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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IN RE: CATHODE RAY TUBE (CRT)) Master File No. 3:07-cv-5944 SC
ANTITRUST LITIGATION)
) MDL No. 1917
)
) **DECLARATION OF LAUREN C.**
) **RUSSELL IN SUPPORT OF**
) **ADMINISTRATIVE MOTION TO**
) **CONSIDER WHETHER CASES SHOULD**
) **BE RELATED (Civil Local Rules 3-12 &**
) **7-11)**

This document relates to:

Samuel Nasto, et al. v. LG Electronics, et al.,) The Honorable Samuel Conti
Case No. 3:08-cv-1371-MMC)
Carmen Gonzalez v. Chungwha Picture Tubes,)
Ltd., et al., Case No. 5:08-cv-01108-JF)

1 I, Lauren C. Russell, declare as follows:

2 1. I am an associate with the firm Trump, Alioto, Trump & Prescott, LLP and am a
3 member in good standing of the State Bar of California. This Declaration is based on personal
4 knowledge, except where specified that information is based on information and belief, and if
5 called to testify, I could and would do so competently as to the matters set forth herein. I am
6 counsel for Plaintiff Jeffrey Figone in *Jeffrey Figone v. LG Electronics, Inc, et al.*, Case No.
7 3:07-cv-6331-SC. I am also counsel for plaintiffs Samuel J. Nasto et al. in *Nasto, et al. v. LG*
8 *Electronics, Inc., et al.*, Case No. 3:08-cv-1371-MMC. I submit this Declaration in support of
9 Plaintiff Jeffrey Figone's Administrative Motion to Consider Whether Cases Should be Related.

10 2. Attached hereto as Exhibit A respectively is a true and correct copy of the
11 complaint entitled *Samuel J. Nasto, et al. v. LG Electronics, Inc., et al.*, Case No. 3:08-1371-
12 MMC ("*Nasto*"), filed on March 10, 2008 in the Northern District of California and assigned to
13 the Honorable Maxine M. Chesney.

14 3. Attached hereto as Exhibit B is a true and correct copy of the complaint entitled
15 *Carmen Gonzalez v. Chungwha Picture Tubes, Ltd.*, Case No. 5:08-cv-1108-JF ("*Gonzalez*"),
16 filed on February 25, 2008 in the Northern District of California and assigned to the Honorable
17 Jeremy Fogel.

18 4. The *Nasto* and *Gonzalez* actions are proposed class actions on behalf of indirect
19 purchasers of Cathode Ray Tubes and products containing Cathode Ray Tubes ("CRT
20 Products") from defendants.

21 5. Like the constituent complaints in the multidistrict proceeding entitled *In re:*
22 *Cathode Ray Tube (CRT) Antitrust Litigation*, MDL No. 1917, Master File No. 3:07-cv-5944-
23 SC ("*CRT Cases*"), the *Nasto* and *Gonzalez* actions allege a conspiracy to fix, raise, maintain
24 and stabilize the price of CRT Products in violation of Section 1 of the Sherman Act, 15 U.S.C.
25 §1. The *Nasto* and *Gonzalez* actions also allege that the same conduct violated certain state
26 antitrust and consumer protection statutes.

27 //

1 I declare under penalty of perjury under the laws of the United States that the foregoing
2 is true and correct. Executed this 11th day of March 2008 at San Francisco, California.
3
4

5 /s/ Lauren C. Russell
6 Lauren C. Russell
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RICHARD W. WIEKING
 CLERK, U.S. DISTRICT COURT
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**UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA**

MMC

SAMUEL J. NASTO; PATRICK PIPER; ADRIENNE
 BELAI; CRAIG STEPHENSON; DAVID G. NORBY
 JOHN LARCH; CONSTANCE HARE; JAMES
 STRINGWELL; and, GARY HANSON, on behalf of
 themselves and all others similarly situated,

Case No.

CV 08

1371

CLASS ACTION COMPLAINT

Plaintiffs,

vs.

JURY TRIAL DEMANDED

LG ELECTRONICS, INC.; SAMSUNG
 ELECTRONICS CO., LTD.; SAMSUNG SDI CO.,
 LTD.; SAMSUNG ELECTRONICS AMERICA, INC.;
 SAMSUNG SDI AMERICA, INC.; SAMTEL
 COLOR, LTD.; TOSHIBA CORPORATION;
 TOSHIBA AMERICA ELECTRONIC
 COMPONENTS, INC.; TOSHIBA AMERICA
 INFORMATION SYSTEMS, INC.; MATSUSHITA
 TOSHIBA PICTURE DISPLAY CO., LTD.; MT
 PICTURE DISPLAY CORPORATION OF AMERICA
 (NEW YORK); MT PICTURE DISPLAY
 CORPORATION OF AMERICA (OHIO);
 MATSUSHITA ELECTRIC INDUSTRIAL CO.,
 LTD.; PANASONIC CORPORATION OF NORTH

1 AMERICA; BEIJING-MATSUSHITA COLOR CRT)
 2 COMPANY, LTD.; ORION ELECTRIC CO., LTD.;)
 3 ORION AMERICA, INC.; HITACHI LTD.; HITACHI)
 4 AMERICA LTD.; HITACHI ASIA, LTD.;)
 5 CHUNGHWA PICTURE TUBES LTD.;)
 6 CHUNGHWA PICTURE TUBES (MALAYSIA))
 7 SDN. BHD.; LP DISPLAYS INTERNATIONAL,)
 8 LTD.; KONINKLIJKE PHILIPS ELECTRONICS)
 9 N.V.; PHILIPS ELECTRONICS NORTH AMERICA;)
 10 IRICO GROUP CORP.; IRICO DISPLAY DEVICES)
 11 CO., LTD.; THAI CRT COMPANY, LTD.; and)
 12 TATUNG COMPANY OF AMERICA, INC.,)

13
 14 Defendants

15 **CLASS ACTION COMPLAINT**

16 Plaintiffs Samuel J. Nasto, Patrick Piper, Adrienne Belai, Craig Stephenson, David G.
 17 Norby, John Larch, Constance Hare, James Stringwell and Gary Hanson ("Plaintiffs") on behalf
 18 of themselves and all others similarly situated in the United States, bring this action for damages
 19 and injunctive relief under state and federal antitrust, unfair competition, and consumer
 20 protection laws against the Defendants named herein, demanding trial by jury, and complaining
 21 and alleging as follows:

22 **NATURE OF THE CASE**

23 1. This lawsuit is brought as a class action on behalf of individuals and entities that
 24 indirectly purchased products containing cathode ray tubes ("CRT Products") (as further defined
 25 below), in the United States from Defendants, their predecessors, or their controlled subsidiaries
 26 and affiliates during the period beginning at least January 1, 1995 through the present (the
 27 "Class Period"). Plaintiffs allege that during the Class Period the Defendants conspired to fix,
 28 raise, maintain or stabilize prices of CRT Products sold in the United States. Because of
 Defendants' unlawful conduct, Plaintiffs and other Class Members paid artificially inflated
 prices for CRT Products and have suffered antitrust injury to their business or property.

29 **JURISDICTION AND VENUE**

30 2. This action is instituted under Section 16 of the Clayton Act, 15 U.S.C. §26, to
 31 obtain injunctive relief for violations of Section 1 of the Sherman Act, 15 U.S.C. §1, to recover

1 damages under state antitrust and consumer protection laws, and to recover costs of suit,
 2 including reasonable attorneys' fees, for the injuries that Plaintiffs and all others similarly
 3 situated sustained as a result of the Defendants' violations of those laws.

4 3. The Court has subject matter jurisdiction over the federal claim under 28 U.S.C.
 5 §§ 1331 and 1337. The Court has subject matter jurisdiction over the state law claims under 28
 6 U.S.C. § 1367 because those claims are so related to the federal claim that they form part of the
 7 same case or controversy.

8 4. This court also has subject matter jurisdiction over this class action pursuant to
 9 the Class Action Fairness Act of 2005, which amended 28 U.S.C. § 1332 to add a new
 10 subsection (d) conferring federal jurisdiction over class actions where, as here, "any member of
 11 a class of Plaintiffs is a citizen of a state different from any Defendant and the aggregated
 12 amount in controversy exceeds \$5,000,000, exclusive of interest and costs." This Court also has
 13 jurisdiction under 28 U.S.C. § 1332(d) because "one or more members of the class is a citizen of
 14 a state within the United States and one or more of the Defendants is a citizen or subject of a
 15 foreign state."

16 5. Venue is laid in this District pursuant to 28 U.S.C. § 1391. Venue is proper in
 17 this judicial district because during the Class Period one or more of the Defendants resided,
 18 transacted business, was found, or had agents in, this district, and because a substantial part of
 19 the events giving rise to Plaintiffs' claims occurred in this district, and a substantial portion of
 20 the affected portion of the interstate trade and commerce described below has been carried out in
 21 this district.

22 DEFINITIONS

23 6. As used herein, the term "CRT Products" means cathode ray tubes and products
 24 containing cathode ray tubes, including television sets and computer monitors.

25 7. The "Class Period" or "relevant period" means the period beginning at least
 26 January 1, 1995 through the present.

27 8. "Person" means any individual, partnership, corporation, association, or other
 28 business or legal entity.

PLAINTIFF

15. Plaintiff David G. Norby (“Norby”) is a Minnesota resident. During the relevant period, Norby indirectly purchased CRT Products from one or more of the Defendants or their co-conspirators and has been injured by reason of the antitrust violations alleged in this Complaint.

16. Plaintiff John Larch (“Larch”) is a West Virginia resident. During the relevant period, Larch indirectly purchased CRT Products from one or more of the Defendants or their co-conspirators and has been injured by reason of the antitrust violations alleged in this Complaint.

17. Plaintiff Constance Hare (“Hare”) is a South Dakota resident. During the relevant period, Hare indirectly purchased CRT Products from one or more of the Defendants or their co-conspirators and has been injured by reason of the antitrust violations alleged in this Complaint.

18. Plaintiff James Stringwell (“Stringwell”) is a Michigan resident. During the relevant period, Stringwell indirectly purchased CRT Products from one or more of the Defendants or their co-conspirators and has been injured by reason of the antitrust violations alleged in this Complaint.

19. Plaintiff Gary Hanson (“Hanson”) is a North Dakota resident. During the relevant period, Hanson indirectly purchased CRT Products from one or more of the Defendants or their co-conspirators and has been injured by reason of the antitrust violations alleged in this Complaint.

DEFENDANTS

20. Defendant LG Electronics, Inc. (“LG Electronics”) is a corporation organized under the laws of Korea with its principal place of business located at LG Twin Towers, 20 Yeouido-dong, Yeongdeungpo-gu, Seoul 150-721, South Korea. LG Electronics is a \$48.5 billion global force in consumer electronics, home appliances and mobile communications, which established its first overseas branch office in New York in 1968. The company’s name was changed from GoldStar Communications to LG Electronics in 1995, the year in which it also acquired Zenith in the United States. During the Class Period, LG Electronics manufactured, sold and distributed CRT Products to customers throughout the United States.

21. Defendant Samsung Electronics Co., Ltd. is a company organized under the laws of Korea with its principal place of business located at Samsung Main Building, 250, 2-ga, Taepyong-ro, Jung-gu, Seoul 100-742, South Korea. During the Class Period, Samsung

1 Electronics Co., Ltd. manufactured, sold and distributed CRT Products to customers throughout
2 the United States.

3 22. Defendant Samsung SDI Co., Ltd. f/k/a Samsung Display Device Co., Ltd. is a
4 company organized under the laws of Korea with its principal place of business located at 15th –
5 18th Floor, Samsung Life Insurance Building, 150, 2-ga, Taepyong-ro, Jung-gu, Seoul, 100-716,
6 South Korea. Samsung SDI Co., Ltd. is a public company. Samsung Electronics Co., Ltd. is its
7 majority shareholder holding almost 20 percent of the stock. Founded in 1970, Samsung SDI
8 Co., Ltd. claims to be the world's leading company in the display and energy businesses, with
9 28,000 employees and facilities in 18 countries. Samsung SDI Co., Ltd. has offices in Chicago
10 and San Diego. During the Class Period, Samsung SDI Co. Ltd. manufactured, sold and
11 distributed CRT Products to customers throughout the United States.

12 23. Defendant Samsung Electronics America, Inc. is a New York corporation with its
13 principal place of business located at 105 Challenger Road, 6th Floor, Ridgefield Park, New
14 Jersey 07660. Samsung Electronics America, Inc. is a wholly-owned and controlled subsidiary
15 of defendant Samsung Electronics Co., Ltd. During the Class Period, Samsung Electronics
16 America, Inc. manufactured, sold and distributed CRT Products to customers throughout the
17 United States.

18 24. Defendant Samsung SDI America, Inc. is a California corporation with its
19 principal place of business located at 3333 Michelson Drive, Suite 700, Irvine, California.
20 Samsung SDI America, Inc. is a wholly owned and controlled subsidiary of Samsung SDI Co.,
21 Ltd., which is in turn a wholly owned and controlled subsidiary of Samsung Electronics Co.,
22 Ltd. During the Class Period, Samsung SDI America, Inc. manufactured, sold and distributed
23 CRT Products to customers throughout the United States.

24 25. Defendants Samsung Electronics Co., Ltd., Samsung SDI Co., Ltd., Samsung
25 Electronics America, Inc., and Samsung SDI America, Inc. are referred to collectively herein as
26 "Samsung."

27 26. Defendant Samtel Color, Ltd. ("Samtel") is an Indian company with its principal
28 place of business located at 52, Community Centre, New Friends Colony, New Delhi-110065.

1 Samtel's market share for CRT products sold in India is approximately 40%. Samtel is India's
2 largest exporter of CRT products. Samtel has gained safety approvals from the United States,
3 Canada, Germany and Great Britain for its CRT products. During the Class Period, Samtel
4 manufactured, sold and distributed CRT Products to customers throughout the United States.

5 27. Defendant Toshiba Corporation ("Toshiba") is a business entity organized under
6 the laws of Japan, with its principal place of business at 1-1, Shibaura 1-chome, Minato-ku,
7 Tokyo 105-8001, Japan. In 2001, Toshiba held a 5-10 percent worldwide market share for CRTs
8 used in televisions and computer monitors. In 2002, Toshiba entered into a joint venture with
9 defendant Matsushita Electric called Matsushita Toshiba Picture Display Co., Ltd. in which the
10 entities consolidated their CRT businesses. In 2004, Toshiba entered into a contract with
11 defendant Orion whereby Orion became the supplier and maker of Toshiba-branded CRT
12 televisions. During the Class Period, Toshiba manufactured, sold and distributed CRT Products
13 to customers throughout the United States.

14 28. Toshiba America Electronics Components, Inc. is a California corporation with
15 its principal place of business located at 9775 Toledo Way, Irvine, California 92618, and 19000
16 MacArthur Boulevard, Suite 400, Irvine, California 92612. Toshiba America Electronics
17 Components, Inc. is a wholly owned and controlled subsidiary of Toshiba America, Inc., which
18 is a holding company for Defendant Toshiba Corporation, and the sales and marketing
19 representative for Defendant Matsushita Toshiba Picture Display Co., Ltd. During the Class
20 Period, Toshiba Electronics Components, Inc. manufactured, sold and distributed CRT Products
21 to customers throughout the United States.

22 29. Defendant Toshiba America Information Systems, Inc. is a California corporation
23 with its principal place of business located at 9470 Irvine Boulevard, Irvine, California 92718.
24 Toshiba America Information Systems, Inc. is a wholly owned and controlled subsidiary of
25 Toshiba America, Inc., a holding company for Defendant Toshiba Corporation. During the Class
26 Period, Toshiba America Information Systems, Inc. manufactured, sold and distributed CRT
27 Products to customers throughout the United States.
28

30. Defendants Toshiba Corporation, Toshiba America Electronics Components, Inc. and Toshiba America Information Systems, Inc. are referred to collectively herein as "Toshiba."

31. Defendant Matsushita Toshiba Picture Display Co., Ltd. ("Matsushita-Toshiba") was established as a CRT joint venture between Defendants Matsushita and Toshiba. Matsushita-Toshiba is a Japanese entity with its principal place of business located at 1-1, Saiwai-cho, Takatsuki-shi, Osaka 569-1193, Japan. On April 3, 2007, Defendant Matsushita Electric purchased the remaining stake in Matsushita-Toshiba, making it a wholly owned subsidiary, and renaming it MT Picture Display Co., Ltd. During the Class Period, Matsushita-Toshiba manufactured, sold and distributed CRT Products to customers throughout the United States.

32. Defendant MT Picture Display Corporation of America (New York) ("MTPDA(NY)") is a dissolved Maryland corporation previously located at 100 Westinghouse Circle, Horseheads, New York 14845. MTDPA(NY) was a wholly owned and controlled subsidiary of Defendant Matsushita-Toshiba. MTDPA(NY) specialized in the manufacture of CRT televisions above 30 inches wide, supplying some 950,000 units annually to the North American market. Matsushita and Toshiba announced plans to discontinue operations on December 29, 2005. During the Class Period prior to December 2005, MTDPA(NY) manufactured, sold and distributed CRT Products to customers throughout the United States.

33. Defendant MT Picture Display Corporation of America (Ohio) ("MTDPA(OH)") was a Delaware corporation with its principal place of business located at 1554 McKaig Avenue, Building A, Troy, Ohio 45373. MTDPA(OH) was dissolved on March 27, 2007. MTDPA(OH) was a wholly owned and controlled subsidiary of Defendant Matsushita-Toshiba. During the Class Period prior to February 2006, MTDPA(OH) manufactured, sold and distributed CRT Products to customers throughout the United States.

34. Defendant Matsushita Electric Industrial Co., Ltd. ("Matsushita Electric") is a Japanese entity with its principal place of business located at 1006 Oaza Kadoma, Kadoma-shi, Osaka 571-8501, Japan. In 2002, Matsushita Electric entered into a CRT joint venture with Defendant Toshiba forming Defendant Matsushita-Toshiba. Matsushita Electric was the

majority owner with 64.5 percent. On April 3, 2007, Matsushita Electric purchased the remaining 35.5 percent stake in the joint venture, making Matsushita-Toshiba a wholly owned subsidiary of Matsushita Electric. Matsushita Electric is best known for its Panasonic brand, which in 2005 had the highest CRT revenue in Japan. During the Class Period, Matsushita Electric manufactured, sold and distributed CRT Products to customers throughout the United States.

35. Defendant Panasonic Corporation of North America ("Panasonic") is a Delaware corporation with its principal place of business located at One Panasonic Way, Secaucus, New Jersey. Panasonic is a wholly owned and controlled subsidiary of Defendant Matsushita Electric. During the Class Period, Panasonic manufactured, sold and distributed CRT Products to customers throughout the United States.

36. Defendant Beijing-Matsushita Color CRT Company, Ltd. ("BMCC") is a Chinese company with its principal place of business located at No. 9, Jiuxianqiao N. Rd., Dashanzi Chaoyang District, Beijing, China. BMCC is the second largest producer of CRTs for televisions in China. During the Class Period, BMCC manufactured, sold and distributed CRT Products throughout the United States.

37. Defendant Orion Electric Co., Ltd. ("Orion Electric") is a Japanese company with its principal places of business at 41-1 Iehisa-cho, Echizen-shi, Fukui 915-8555, Japan. Orion Electric currently manufactures CRT Products for Defendant Toshiba Corporation. During the Class Period, Orion Electric manufactured, sold and distributed CRT Products to customers throughout the United States.

38. Defendant Orion America, Inc. ("Orion America") is an Indiana corporation with its principal place of business located at Hwy 1 North, Orion Place, Princeton, Indiana. Orion America is a wholly owned and controlled subsidiary of Defendant Orion Electric. During the Class Period, Orion America manufactured, sold and distributed CRT Products to customers throughout the United States.

39. Defendant Hitachi, Ltd. is a business entity organized under the laws of Japan, with its principal place of business located at 6-1 Marunouchi Center Building 13F, Chiyoda-ku,

1 Tokyo 100-8280, Japan. Hitachi Ltd. is the parent company for the Hitachi brand of CRT
2 products. During the Class Period, Hitachi Ltd. manufactured, sold and distributed CRT
3 Products to customers throughout the United States.

4 40. Defendant Hitachi America, Ltd. ("Hitachi America") is a wholly owned and
5 controlled subsidiary of defendant Hitachi. Hitachi America is a business entity organized under
6 the laws of New York, with its principal place of business located at 2000 Sierra Point Parkway,
7 Brisbane, California 94005. During the Class Period, Hitachi America manufactured, sold and
8 distributed CRT Products to customers throughout the United States.

9 41. Defendant Hitachi Asia, Ltd. ("Hitachi Asia") is a Singaporean company with its
10 principal place of business located at 16 Collyer Quay, #20-00 Hitachi Tower, Singapore,
11 049318. Hitachi Asia is a wholly owned and controlled subsidiary of defendant Hitachi. During
12 the Class Period, Hitachi Asia manufactured, sold and distributed CRT Products to customers
13 throughout the United States.

14 42. Defendants Hitachi Ltd., Hitachi America, and Hitachi Asia are collectively
15 referred to herein as "Hitachi."

16 43. Defendant Chunghwa Picture Tubes Ltd. ("Chunghwa Picture Tubes") is a
17 business entity organized under the laws of Taiwan, with its principal place of business located
18 at 1127 Heping Road, Bade City, Taoyuan, Taiwan R.O.C. Chunghwa Picture Tubes is a
19 leading manufacturer of CRT Products. During the Class Period, Chunghwa Picture Tubes
20 manufactured, sold and distributed CRT Products to customers throughout the United States.

21 44. Defendant Chunghwa Picture Tubes (Malaysia) Sdn. Bhd. ("Chunghwa
22 Malaysia") is a Malaysian company with its principal place of business located at Lot 1, Subang
23 Hi-Tech Industrial Park, Batu Tiga, 4000 Shah Alam, Selangor Darul Ehsan, Malaysia.
24 Chunghwa Malaysia a wholly owned and controlled subsidiary of defendant Chunghwa Picture
25 Tubes. Chunghwa Malaysia is also a leading worldwide supplier of CRT Products. During the
26 Class Period, Chunghwa Malaysia manufactured, sold and distributed CRT Products to
27 customers throughout the United States.

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1 45. Defendants Chungwha Picture Tubes and Chungwha Malaysia are collectively
2 referred to herein as "Chungwha."

3 46. Defendant LP Displays International, Ltd. f/k/a LG Philips Displays ("LP
4 Displays") was created in 2001 as a 50/50 joint venture between defendants LG Electronics and
5 Royal Philips Electronics of The Netherlands. In March 2007, LP Displays became an
6 independent company organized under the laws of Hong Kong with its principal place of
7 business located at Corporate Communications, 6th Floor, ING Tower, 308 Des Voeux Road
8 Central, Sheung Wan, Hong Kong. LP Displays is a leading supplier of color picture tubes for
9 use in television sets and computer monitors with annual sales for 2006 of over \$2 billion. LP
10 Displays announced in March 2007 that Royal Philips and LG Electronics would lose control
11 over the company and the shares would be owned by financial institutions and private equity
12 firms. During the Class Period, LP Displays manufactured, sold and distributed CRT Products to
13 customers throughout the United States.

14 47. Defendant Koninklijke Philips Electronics N.V. a/k/a Royal Philips Electronics
15 N.V. ("Royal Philips") is a company organized under the laws of The Netherlands with its
16 principal place of business located at Amstelplein 2, Breitner Center, 1070 MX Amsterdam, The
17 Netherlands. Royal Philips, founded in 1891, is one of the world's largest electronics
18 companies, with 160,900 employees located in over 60 countries. Royal Philips had sole
19 ownership of its CRT business until 2000. In 2001, Royal Philips transferred its CRT business
20 to a 50/50 CRT joint venture with LG Electronics forming defendant LP Displays. In December
21 2005, as a result of increased pressure on demand and prices for CRTs, Royal Philips wrote off
22 the remaining book value of 126 million Euros of its investment and said it would not inject
23 further capital into the joint venture. During the Class Period, Royal Philips manufactured, sold
24 and distributed CRT Products to customers throughout the United States.

25 48. Defendant Philips Electronics North America Corporation ("Philips Electronics
26 NA") is a Delaware corporation with its principal palce of business located at 1251 Avenue of
27 the Americas, New York, NY 10020-1104. Philips Electronics NA is a wholly owned and
28 controlled subsidiary of defendant Royal Philips. During the Class Period, Philips Electronics

1 NA manufactured, sold and distributed CRT Products to customers throughout the United
2 States.

3 49. Defendant Irico Group Corporation is a Chinese entity with its principal place of
4 business located at 1 Caihong Rd., Xianyang City, Shaanxi Province 712021. Irico Group
5 Corporation is the parent company for multiple subsidiaries engaged in the manufacture,
6 distribution, and sale of CRT Products. During the Class Period, Irico Group Corporation
7 manufactured, sold and distributed CRT Products throughout the United States.

8 50. Irico Display Devices Co., Ltd. is a Chinese entity with its principal place of
9 business located at No. 16, Fenghui South Road West, District High-tech Development Zone,
10 Xi'an, SXI 710075. Irico Display Devices Co., Ltd. is a partially-owned subsidiary of defendant
11 Irico Group Corporation. In 2006, Irico Display Devices Co., Ltd. was China's top CRT maker.
12 During the Class Period, Irico Display Devices Co., Ltd. manufactured, sold and distributed
13 CRT Products throughout the United States.

14 51. Defendants Irico Group Corporation and Irico Display Devices Co., Ltd. are
15 collectively referred to herein as "Irico."

16 52. Defendant Thai CRT Company, Ltd. ("Thai CRT") is a Thai company with its
17 principal place of business located at 1/F Siam Cement Road, Bangsue Dusit, Bangkok,
18 Thailand. Thai CRT is a subsidiary of Siam Cement Group. It was established in 1986 as
19 Thailand's first manufacturer of CRTs for color televisions. During the Class Period, Thai CRT
20 manufactured, sold and distributed CRT Products throughout the United States.

21 53. Defendant Tatung Company of America, Inc. ("Tatung America") is a California
22 corporation with its principal place of business located at 2850 El Presidio Street, Long Beach,
23 California. Tatung America was founded in 1972 and is a wholly owned and controlled
24 subsidiary of Tatung Company of Taiwan. During the Class Period, Tatung America
25 manufactured, sold and distributed CRT Products throughout the United States.

26 **DEFENDANTS AND CO-CONSPIRATORS**

27 54. Various other persons, firms and corporations, not named as Defendants herein,
28 and presently unknown to Plaintiffs, have participated as co-conspirators with Defendants and

1 have performed acts and made statements in furtherance of the conspiracy and/or in furtherance
2 of the anticompetitive, unfair or deceptive conduct.

3 55. Whenever in this Complaint reference is made to any act, deed or transaction of
4 any corporation, the allegation means that the corporation engaged in the act, deed or transaction
5 by or through its officers, directors, agents, employees or representatives while they were
6 actively engaged in the management, direction, control or transaction of the corporation's
7 business or affairs.

8 56. Each of the Defendants named herein acted as the agent or joint venturer of or for
9 the other Defendants with respect to the acts, violations and common course of conduct alleged
10 herein. Each Defendant which is a subsidiary of a foreign parent acts as the sole United States
11 agent for CRT Products made by its parent company.

12 **INTERSTATE TRADE AND COMMERCE**

13 57. Throughout the Class Period, there was a continuous and uninterrupted flow of
14 CRT Product sales in interstate and international commerce throughout the United States.

15 58. Defendants' unlawful activities, as described herein, took place within the flow
16 of interstate commerce to CRT Product purchasers located in states other than the states in
17 which Defendants are located, as well as throughout the world, and had a direct, substantial and
18 reasonably foreseeable effect upon interstate and international commerce, including the United
19 States CRT Products market.

20 **CLASS ACTION ALLEGATIONS**

21 59. Plaintiffs bring this action on behalf of themselves and as a class action pursuant
22 to the provisions of Rule 23 of the Federal Rules of Civil Procedure on behalf of all members of
23 the following class (the "Nationwide Class"):

24 All persons and or entities residing in the United States (excluding Defendants,
25 co-conspirators, their subsidiaries and affiliates, all governmental entities, and
26 any judicial officer presiding over this action, including members of his/her
27 immediate family and judicial staff, and any juror assigned to this action) who or
28 which indirectly purchased CRT Products in the United States for their own use
and not for resale, at any time during the period from January 1, 1995 through
the present. Specifically excluded from this Class are the Defendants; the
officers, directors or employees of any Defendant; any entity in which any

1 Defendant has a controlling interest; and, any affiliate, legal representative, heir
2 or assign of any Defendant. Also excluded are any federal, state or local
3 government entities, any judicial officer presiding over this action and the
4 members of his/her immediate family and judicial staff, and any juror assigned to
5 this action.

6 60. Plaintiffs also bring this action on behalf of themselves and as a class action
7 pursuant to the provisions of Rule 23 of the Federal Rules of Civil Procedure and/or respective
8 state statute(s), on behalf of all members of the following State classes or subclasses
9 (collectively "Indirect Purchaser State Classes"): Arizona, Arkansas, California, District of
10 Columbia, Florida, Hawaii, Iowa, Kansas, Maine, Massachusetts, Michigan, Minnesota,
11 Mississippi, Nebraska, Nevada, New Hampshire, New Mexico, New York, North Carolina,
12 North Dakota, Rhode Island, South Dakota, Tennessee, Vermont, West Virginia, and
13 Wisconsin.

14 61. This action has been brought and may properly be maintained as a class action
15 pursuant to Rule 23 of the Federal Rules of Civil Procedure for the following reasons:

16 a. The Classes are ascertainable and there is a well-defined community of
17 interest among members of the Classes;

18 b. Based upon the nature of trade and commerce involved and the number of
19 indirect purchasers of CRT Products, Plaintiffs believe that the number of Class members is
20 very large, and therefore joinder of all Class members is not practicable;

21 c. Plaintiffs' claims are typical Class members' claims because Plaintiffs
22 indirectly purchased CRT Products manufactured by Defendants or their co-conspirators, and
23 therefore Plaintiffs' claims arise from the same common course of conduct giving rise to the
24 claims of the members of the Classes and the relief sought is common to the Classes;

25 d. The following common questions of law or fact, among others, exist as to
26 the members of the Classes:

27 i. Whether Defendants formed and operated a combination or
28 conspiracy to fix, raise, maintain, or stabilize the prices of CRT Products;

1 ii. Whether the combination or conspiracy caused CRT Products
2 prices to be higher than they would have been in the absence of Defendants' conduct;

3 iii. The operative time period of Defendants' combination or
4 conspiracy;

5 iv. Whether Defendants' conduct caused injury to the business or
6 property of Plaintiffs and the members of the Classes;

7 v. The appropriate measure of the amount of damages suffered by
8 the Classes;

9 vi. Whether Defendants' conduct violates Section 1 of the Sherman
10 Act (15 U.S.C. § 1) as alleged in the First Claim for Relief;

11 vii. Whether Defendants' conduct violates the Indirect Purchaser
12 States' antitrust laws as alleged in the Second Claim for Relief;

13 viii. Whether Defendants' conduct violates the unfair competition and
14 consumer protection laws of the Consumer Protection States as alleged in the Third Claim for
15 Relief;

16 ix. The appropriate nature of class-wide equitable relief.

17 e. These and other questions of law and fact common to the members of the
18 Classes predominate over any questions affecting only individual members, including legal and
19 factual issues relating to liability and damages;

20 f. After determination of the predominant common issues identified above,
21 if necessary or appropriate, the Classes can be divided into logical and manageable subclasses;

22 g. Plaintiffs will fairly and adequately protect the interests of the Classes in
23 that Plaintiffs have no interests that are antagonistic to other members of the Classes and have
24 retained counsel competent and experienced in the prosecution of class actions and antitrust
25 litigation to represent them and the Classes;

1 h. A class action is superior to other available methods for the fair and
 2 efficient adjudication of this litigation since individual joinder of all damaged Class members is
 3 impractical. The damages suffered by the individual Class members are relatively small, given
 4 the expense and burden of individual prosecution of the claims asserted in this litigation. Thus,
 5 absent the availability of class action procedures it would not be feasible for Class members to
 6 redress the wrongs done to them. Even if the Class members could afford individual litigation,
 7 the court system could not. Further, individual litigation presents the potential for inconsistent or
 8 contradictory judgments and would greatly magnify the delay and expense to all parties and the
 9 court system. Therefore, the class action device presents far fewer case management difficulties
 10 and will provide the benefits of unitary adjudication, economy of scale and comprehensive
 11 supervision in a single court;

12 i. Defendants have acted, and/or refused to act, on grounds generally
 13 applicable to the Classes, thereby making appropriate final injunctive relief with respect to the
 14 Classes as a whole; and

15 j. In the absence of a class action, Defendants would be unjustly enriched
 16 because they would be able to retain the benefits and fruits of its wrongful conduct.

17 **CRT PRODUCT MARKET**

18 62. CRT stands for “cathode ray tube.” A CRT is a vacuum tube that is coated on its
 19 inside face with light sensitive phosphors. An electron gun at the back of the vacuum tube emits
 20 electron beams. When the electron beams strike the phosphors, the phosphors produce either
 21 red, green, or blue light. A system of magnetic fields inside the CRT, as well as varying
 22 voltages, directs the beams to produce the desired colors. This process is rapidly repeated
 23 several times per second to produce the desired images.

24 63. CRT technology was first developed more than a century ago. The first
 25 commercially practical CRT television was made in 1931. However, it was not until the RCA
 26 Corporation introduced the product at the 1939 World’s Fair that it became widely available to
 27 consumers. Since then, CRTs have become the heart of most display products, including
 28 televisions, computer monitors, oscilloscopes, air traffic control monitors, and ATMs. Even

1 large public displays, including many scoreboards at sports arenas, are comprised of thousands
2 of single color CRTs.

3 64. Until the last few years, CRTs were the dominant technology used in displays,
4 including television and computer monitors. During the Class Period, this translated into the sale
5 of millions of CRT Products, generating billions of dollars in annual profits.

6 65. Conventional CRT televisions are being rapidly replaced by liquid crystal and
7 plasma displays, resulting in this alleged price fixing scheme to slow down the declining CRT
8 Product prices. Between 2000 and 2006, revenues from the sale of CRT televisions in the United
9 States declined by 50.7 percent and are predicted to decline by an additional 84.5 percent
10 between 2006 and 2010.

11 66. Although demand has been sharply declining as a result of the popularity of flat-
12 panel LCDs and plasma televisions, CRT televisions were still being sold during the Class
13 Period, making collusion and the international price fixing conspiracy worthwhile. Due to the
14 high costs of LCD panels and plasma displays during the Class Period, a niche market for CRTs
15 existed as a cheaper alternative to these new technologies.

16 **STRUCTURAL CHARACTERISTICS OF THE CRT PRODUCT MARKET**

17 67. The structural characteristics of the CRT Product market are conducive to the
18 type of collusive activity alleged in this Complaint.

19 68. CRT Products are commodity-like products which are manufactured in
20 standardized sizes. One defendant's CRT Product for a particular application, such as a
21 particular size television set or computer monitor, is substitutable for another's. Defendants sell
22 and Plaintiff (and Class members) purchases CRT Products primarily on the basis of price.

23 69. It is easier to form and sustain a cartel when the product in question is
24 commodity-like because it is easier to agree on prices to charge and to monitor those prices once
25 an agreement is formed.

26 70. Demand for CRT Products is declining. Static or declining demand is another
27 factor which makes the formation of a collusive arrangement more likely because it provides a
28 greater incentive to firms to avoid price competition.

1 71. Defendants are horizontal competitors, meaning that they sell at the same
2 wholesale or retail level of the distribution chain. This makes it easier to monitor adherence to
3 the cartel.

4 72. There are substantial barriers to entry in the CRT Products industry. It would
5 require substantial time, resources and industry knowledge to even potentially overcome the
6 barriers to entry. It is also extremely unlikely that a new producer would enter the market in
7 light of the declining demand for CRT products.

8 73. Newer industries are typically characterized by rapid growth, innovation and high
9 profits. The CRT Product market is a mature one, and like many mature industries, is
10 characterized by slim profit margins, creating a motivation to collude.

11 74. During the Class Period, the CRT industry has been dominated by relatively few
12 companies. In 2004, Defendants Samsung SDI, LP Displays, MT Picture Display and
13 Chunghwa Picture Tubes together held a collective 78% share of the global CRT market. The
14 high concentration of market share facilitates coordination since there are fewer cartel members
15 among which to coordinate pricing or allocate markets, and it is easier to monitor the pricing
16 and production of other cartel members.

17 75. The CRT industry also had significant consolidation during the Class Period,
18 including but not limited to: (a) the creation of LG Philips Displays in 2001 as a joint venture
19 between Royal Philips and LG Electronic's CRT business; (b) the 2002 merger of Toshiba and
20 Matsushita into Matsushita-Toshiba; and (c) Orion's agreement to manufacture CRT Products
21 for Toshiba, which effectively took Toshiba's capacity out of the market.

22 76. Involvement in long standing joint ventures, both in the CRT market and closely
23 related markets, also gave these "competitors" continuous opportunities to discuss pricing,
24 capacity utilization, and other important prospective market information. The mutually
25 beneficial nature of the business relations between certain Defendants not only provided the
26 opportunity to conspire; it also created a financial incentive to do so.

27 77. Examples of the high degree of cooperation among Defendants in both the CRT
28 market and other closely related markets include the following:

1 a. Defendant Chungwha has a long standing joint venture with Defendant
2 Samsung Electronics Co., Ltd. for the production of liquid crystal display panels. Chungwha
3 now licenses the technology from Defendant Royal Philips, although this is a recent
4 development that helped resolve a patent infringement suit filed in 2002.

5 b. Defendants LG Electronics and Hitachi Ltd. entered into a joint venture in
6 2000 for the manufacture, sale and distribution of optical storage products such as DVD drives.

7 c. Defendant Samtel participates in a joint venture, Samcor Glass Limited,
8 with Defendant Samsung Electronics Co., Ltd. and non-Defendant Corning Inc., USA for the
9 production and supply of picture tube glass.

10 d. Defendant Orion participates in a joint venture for the manufacture of
11 CRT Products with Defendant Toshiba, as well as non-Defendants P.T. Tabung Gambar
12 Indonesia and Japanese trading company Sumitomo Corporation.

13 e. Defendant Samtel claims to have supplied CRTs to Defendants LG
14 Electronics, Samsung, Royal Philips, and Matsushita.

15 78. Defendants also maintain their close relationships through common membership
16 in trade associations. Defendants Chungwha, Hitachi and Samsung are all members of the
17 Society for Information Display. Defendants Samsung and LG Electronics are two of the co-
18 founders of the Korea Display Industry Association. Similarly, Defendants Orion, LG
19 Electronics, LP Displays, and Samsung are members of the Electronic Display Industrial
20 Research Association. Upon information and belief, Defendants use these trade associations as
21 vehicles for discussing and agreeing upon their pricing for CRT Products. At the meetings of
22 these trade associations, Defendants exchange proprietary and competitively sensitive
23 information which they use to implement and monitor the conspiracy.

24 **DEFENDANTS' COLLUSIVE ACTIVITIES**

25 79. Plaintiffs are informed and believe, and thereon allege, that in order to control
26 and maintain profitability during declining demand for CRTs, Defendants and their co-
27 conspirators have engaged in a contract, combination, trust or conspiracy, the effect of which
28

1 has been to raise the prices at which they sold CRT Products to artificially inflated levels from at
2 least January 1, 1995 through the present.

3 80. Defendants' collusion is evidenced by unusual price movements in the CRT
4 market. In the 1990s, industry analysts repeatedly predicted declines in consumer prices for
5 CRTs that did not fully materialize. Despite these predictions, and the existence of economic
6 conditions warranting a drop in prices, CRT prices nonetheless remained stable.

7 81. During the Class Period, while demand in the United States for CRT Products
8 continued to decline, Defendants' conspiracy was effective in moderating the normal downward
9 pressures on prices for CRT Products caused by the entry and popularity of the new generation
10 LCD panels and plasma display products.

11 82. During the Class Period, there were not only periods of unnatural and sustained
12 price stability, but there were also unexplained increases in prices of CRT Products. These price
13 increases were despite the declining demand due to the approaching obsolescence of CRT
14 Products caused by the emergence of a new, potentially superior and clearly more popular
15 substitutable technology.

16 83. These price increases and price stability in the market for CRT Products during
17 the Class Period are inconsistent with a competitive market for a product facing rapidly
18 decreasing demand caused by a new, substitutable technology.

19 84. On November 8, 2007, antitrust authorities in Europe, Japan and South Korea
20 raided the offices of manufacturers of CRT Products as part of an international investigation of
21 alleged price fixing.

22 85. Defendant MT Picture Display Co., Ltd., the CRT unit of Defendant Matsushita
23 Electric, has confirmed that it was raided by Japan's Fair Trade Commission.

24 86. *Kyodo News* reported on November 8, 2007, upon information and belief, that
25 MT Picture Display fixed prices for CRTs with manufacturers in three Asian countries,
26 including South Korea's Samsung SDI Co.

27 87. *Kyodo News* further reported that:
28

1 Officials of these three companies are believed to have had at least 10
2 meetings since 2005 in major Asian cities to coordinate target prices when
3 delivering their products to TV manufacturers in Japan and South Korea,
the sources said.

4 88. Defendant Samsung SDI Co., Ltd. was raided by South Korea's Fair Trade
5 Commission, which has started an investigation into Samsung's CRT business.

6 89. The European Commission confirmed that it had carried out surprise inspections
7 at the European offices of CRT Product manufacturers, seeking evidence of cartel activity in the
8 sector.

9 90. According to Japan's *Nikkei Business Daily*, authorities in the United States were
10 also involved in the investigation of an alleged international cartel of CRT manufacturers.

11 91. The *Asian Shimbun* further reported on November 10, 2007 that "[t]he
12 representatives held meetings in Southeast Asia where the companies operate CRT factories, the
13 sources said. The European Commission, the European Union's executive branch, and the U.S.
14 Justice Department have been investigating four companies' [referring to the four Asian-based
15 manufacturers—MT Picture Display, Samsung SDI Co., Chungwha Picture Tubes, LP Displays]
16 overseas units and are closely consulting with the Fair Trade Commission by sharing
17 information."

18 92. On November 12, 2007, *Dow Jones International News* reported that Defendant
19 Chungwha Picture Tubes Ltd. had received a subpoena on November 9, 2007 issued by a
20 California District Court "to assist in an investigation into whether cathode ray tube
21 manufacturers had set up a cartel."

22 93. Unnamed sources close to the investigation report that the firms are suspected of
23 fixing the amount they charge TV manufacturers for CRTs in an effort to stop prices from
24 dropping.

25 94. On November 21, 2007, Defendant Royal Philips publicly disclosed that it too is
26 subject to one or more investigations into anticompetitive conduct in the CRT industry. Royal
27 Philips spokesman Joon Knapen declined to comment on which jurisdictions have started
28 investigations. Royal Philips stated that it intended to assist the regulators.

1 95. As outlined above, Defendants have a history of competitor contacts resulting
2 from joint ventures, numerous cross-licensing agreements, and other alliances in related
3 businesses in the electronics industry.

4 96. Several Defendants have a history of “cooperation” and anticompetitive conduct.
5 For example, Defendant Samsung was fined \$300 million by the U.S. Department of Justice in
6 October 2005 for participating in a conspiracy to fix the prices of Dynamic Random Access
7 Memory.

8 97. Defendants Samsung and Toshiba have acknowledged being contacted by the
9 U.S. Department of Justice as part of an ongoing investigation for fixing prices of Static
10 Random Access Memory and NAND Flash Memory.

11 98. In December 2006, authorities in Japan, Korea, the European Union and the
12 United States revealed a comprehensive investigation into anticompetitive conduct among CRT
13 manufacturers. Defendant Samsung, Toshiba and LG Philips (a joint venture between
14 Defendants LG Electronics and Royal Philips) are under criminal investigation for price fixing
15 in the closely related CRT market.

16 99. By engaging in collusive conduct in the market for CRT Products, Defendants
17 were able to manipulate and artificially fix, raise, maintain or stabilize the prices for the CRT
18 Products that they manufactured and sold in the United States.

19 100. During the Class Period, Plaintiffs and the class members indirectly purchased
20 CRT Products manufactured by the Defendants or their co-conspirators.

21 101. Plaintiffs and the class members paid more for their indirect CRT Product
22 purchases than they would have paid had Defendants not fixed CRT Product prices and
23 cooperated in other aspects of the CRT Product market.

24 102. As a direct and proximate result of Defendants’ conspiracy, Plaintiffs and the
25 class members have been injured and financially damaged in their respective businesses and
26 property in presently undetermined amounts.

27 //

28 //

VIOLATIONS ALLEGED

First Claim for Relief

(Violation of Section 1 of the Sherman Act)

103. Plaintiffs incorporate and reallege, as though fully set forth herein, each and every allegation set forth in the preceding paragraphs of this Complaint.

104. Beginning at a time unknown to Plaintiffs, but at least as early as January 1, 1995, through at the present, the exact dates being unknown to Plaintiffs and exclusively within the knowledge of Defendants, Defendants and their co-conspirators, entered into a continuing agreement, understanding, and conspiracy to unreasonably restrain trade and commerce in the United States, in violation of Section 1 of the Sherman Act, 15 U.S.C. §1.

105. In particular, Defendants have combined and conspired to fix, raise, maintain or stabilize the prices of CRT Products sold in the United States.

106. Defendants, by their unlawful conspiracy, artificially raised, inflated and maintained the market prices of CRT Products as herein alleged.

107. The contract, combination or conspiracy consisted of a continuing agreement, understanding and concert of action among Defendants and their co-conspirators, the substantial terms of which were to fix, raise, maintain and stabilize the prices of CRT Products they sold in the United States and elsewhere.

108. In formulating and carrying out the alleged agreement, understanding, and conspiracy, the Defendants and their co-conspirators did those things that they combined and conspired to do, including, but not limited to the acts, practices, and course of conduct set forth above, and the following, among others:

- a. Participated in meetings and conversations to discuss the prices of CRT Products;
- b. Agreed to manipulate prices and supply of CRT Products in a manner that deprived purchasers of CRT Products of free and open competition;
- c. Issued price announcements and price quotations in accordance with the agreements reached; and

- 1 d. Sold CRT Products to customers in the United States at non-competitive
2 prices.

3 109. The combination and conspiracy alleged herein has had the following effects,
4 among others:

- 5 a. Price competition in the sale of CRT Products has been restrained,
6 suppressed and/or eliminated in the United States;
7 b. Prices for CRT Products sold by Defendants and their co-conspirators
8 have been fixed, raised, maintained and stabilized at artificially high, non-
9 competitive levels throughout the United States; and
10 c. Those who purchased CRT Products directly or indirectly from
11 Defendants have been deprived the benefits of free and open competition.

12 110. As a direct result of the unlawful conduct of Defendants and their co-conspirators
13 in furtherance of their continuing contract, combination or conspiracy, Plaintiffs and the
14 members of the Nationwide Class have been injured and will continue to be injured in their
15 business and property by paying more for CRT Products purchased indirectly from the
16 Defendants and their co-conspirators than they would have paid and will pay in the absence of
17 the combination and conspiracy.

18 111. These violations are continuing and will continue unless enjoined by this Court.

19 112. Pursuant to Section 16 of the Clayton Act, 15 U.S.C. § 26, Plaintiffs and the
20 Nationwide Class seek the issuance of an injunction against Defendants, preventing and
21 restraining the violations alleged herein.

22 **Second Claim For Relief**

23 **(Violation of State Antitrust Statutes)**

24 113. Plaintiffs incorporate and reallege, as though fully set forth herein, each and
25 every allegation set forth in the preceding paragraphs of this Complaint.

26 114. Defendants' intentional and purposeful anticompetitive acts that are described
27 above, including but not limited to acts of collusion to set prices and the actual act of price
28 fixing itself, were intended to and did in fact cause Plaintiffs and the members of the Indirect

Purchaser State Classes to pay supracompetitive prices for CRT Products purchased in the Indirect Purchaser States.

115. Defendants' contract, combination and conspiracy as described above is in violation of the following state antitrust statutes:

116. By reason of the foregoing, Defendants have entered into agreements in restraint of trade in violation of Arizona Revised Stat. §§44-1401 et seq.

117. By reason of the foregoing, Defendants have entered into agreements in restraint of trade in violation of California Business & Professions Code §16720 et seq.

118. By reason of the foregoing, Defendants have entered into agreements in restraint of trade in violation of District of Columbia Code Ann. §§28-4503 et seq.

119. By reason of the foregoing, Defendants have entered into agreements in restraint of trade in violation of Iowa Code §§553.1 et seq.

120. By reason of the foregoing, Defendants have entered into agreements in restraint of trade in violation of Kansas Stat. Ann. §§50-101 et seq.

121. By reason of the foregoing, Defendants have entered into agreements in restraint of trade in violation of Maine Rev. Stat. Ann. 10, §§1101 et seq.

122. By reason of the foregoing, Defendants have entered into agreements in restraint of trade in violation of Michigan Comp. Laws Ann. §§445.773 et seq.

123. By reason of the foregoing, Defendants have entered into agreements in restraint of trade in violation of Minnesota Stat. §§325D.52 et seq.

124. By reason of the foregoing, Defendants have entered into agreements in restraint of trade in violation of Mississippi Code Ann. §75-21-1 et seq.

125. By reason of the foregoing, Defendants have entered into agreements in restraint of trade in violation of Nebraska Rev. Stat. §59-801 et seq.

126. By reason of the foregoing, Defendants have entered into agreements in restraint of trade in violation of Nevada Rev. Stat. Ann. §§598A et seq.

127. By reason of the foregoing, Defendants have entered into agreements in restraint of trade in violation of New Mexico Stat. Ann. §§57-1-1 et seq.

128. By reason of the foregoing, Defendants have entered into agreements in restraint of trade in violation of North Carolina Gen. Stat. §§75-1 et seq.

129. By reason of the foregoing, Defendants have entered into agreements in restraint of trade in violation of North Dakota Cent. Code §§51-08.1-01 et seq.

130. By reason of the foregoing, Defendants have entered into agreements in restraint of trade in violation of South Dakota Codified Laws Ann. §§37-1 et seq.

131. By reason of the foregoing, Defendants have entered into agreements in restraint of trade in violation of Tennessee Code Ann. §§47-25-101 et seq.

132. By reason of the foregoing, Defendants have entered into agreements in restraint of trade in violation of Vermont Stat. Ann. 9 §§2453 et seq.

133. By reason of the foregoing, Defendants have entered into agreements in restraint of trade in violation of West Virginia Code §§47-18-1 et seq.

134. By reason of the foregoing, Defendants have entered into agreements in restraint of trade in violation of Wisconsin Stat. §§133.01 et seq.

135. Class members in each of the states listed above paid supracompetitive, artificially inflated prices for CRT Products. As a direct and proximate result of Defendants' unlawful conduct, Plaintiffs and members of the Indirect Purchaser State Classes have been injured in their business and property in that they paid more for CRT Products than they otherwise would have paid in the absence of Defendants' unlawful conduct.

136. As a result of Defendants' and their co-conspirators' violation of the above Indirect Purchaser States' antitrust laws, Plaintiffs seek damages, to be trebled where permitted by a particular State's antitrust law, and costs of suit, including reasonable attorneys' fees, to the extent permitted by the above Indirect Purchaser States' antitrust laws.

Third Claim for Relief

(Violation of State Consumer Protection and Unfair Competition Statutes)

137. Plaintiffs incorporate and reallege, as though fully set forth herein, each and every allegation set forth in the preceding paragraphs of this Complaint.

1 138. Defendants engaged in unfair competition or unfair, unconscionable, deceptive or
2 fraudulent acts or practices in violation of the state consumer protection and unfair competition
3 statutes listed below.

4 139. Defendants have engaged in unfair competition or unfair or deceptive acts or
5 practices in violation of Arkansas Code §4-88-101 et seq.

6 140. Defendants have engaged in unfair competition or unfair or deceptive acts or
7 practices in violation of California Business & Professions Code §17200 et seq.

8 141. Defendants have engaged in unfair competition or unfair or deceptive acts or
9 practices in violation of District of Columbia Code §28-3901 et seq.

10 142. Defendants have engaged in unfair competition or unfair or deceptive acts or
11 practices in violation of Florida Stat. §501.201 et seq.

12 143. Defendants have engaged in unfair competition or unfair or deceptive acts or
13 practices in violation of Hawaii Rev. Stat. §480 et seq.

14 144. Defendants have engaged in unfair competition or unfair or deceptive acts or
15 practices in violation of Kansas Stat. §50-623 et seq.

16 145. Defendants have engaged in unfair competition or unfair or deceptive acts or
17 practices in violation of 5 Maine Rev. Stat. §207 et seq.

18 146. Defendants have engaged in unfair competition or unfair or deceptive acts or
19 practices in violation of Massachusetts G.L. c. 93A, §2 et seq.

20 147. Defendants have engaged in unfair competition or unfair or deceptive acts or
21 practices in violation of Nebraska Rev. Stat. §59-1601 et seq.

22 148. Defendants have engaged in unfair competition or unfair or deceptive acts or
23 practices in violation of New Hampshire Revised Statutes §358-A:1 et seq.

24 149. Defendants have engaged in unfair competition or unfair or deceptive acts or
25 practices in violation of New Mexico Stat. §57-12-1 et seq.

26 150. Defendants have engaged in unfair competition or unfair or deceptive acts or
27 practices in violation of New York Gen Bus. Law §349 et seq. Specifically:

28 a. Defendants engaged in commerce in New York;

1 b. Defendants and their co-conspirators secretly agreed to raise prices by
2 direct agreement on bids to customers located in New York and through artificial supply
3 restraints on the entire CRT Product market;

4 c. New York consumers were targets of the conspiracy;

5 d. The secret agreements were not known to New York consumers;

6 e. Defendants made public statements about the price of CRT Products that
7 Defendants knew would be seen by New York consumers; such statements either omitted
8 material information that rendered these statements that they made materially misleading or
9 affirmatively misrepresented the real cause of price increases for CRT Products; and,
10 Defendants alone possessed material information that was relevant to consumers, but failed to
11 provide the information;

12 f. Because of Defendants' unlawful trade practices in the State of New
13 York, there was a broad impact on New York consumer class members who indirectly
14 purchased CRT Products; and consumer class members have been injured because they have
15 paid more for CRT Products than they would have paid in the absence of Defendants' unlawful
16 trade acts and practices;

17 g. Because of Defendants' unlawful trade practices in the State of New
18 York, New York consumer class members who indirectly purchased CRT Products were misled
19 to believe that they were paying a fair price for CRT Products or the price increases for CRT
20 Products were for valid business reasons; and similarly situated consumers were potentially
21 affected by Defendants' conduct;

22 h. Defendants knew that their unlawful trade practices with respect to
23 pricing of CRT Products would have an impact on New York consumers and not just
24 Defendants' direct customers;

25 i. Defendants knew that their unlawful trade practices with respect to
26 pricing of CRT Products would have a broad impact, causing consumer class members who
27 indirectly purchased CRT Products to be injured by paying more for CRT Products than they
28 would have paid in the absence of Defendants' unlawful trade acts and practices;

1 j. Defendants' consumer-oriented violations adversely affected the public
2 interest in the State of New York.

3 151. Defendants have engaged in unfair competition or unfair or deceptive acts or
4 practices in violation of North Carolina Gen. Stat. §75-1.1 et seq.

5 152. Defendants have engaged in unfair competition or unfair or deceptive acts or
6 practices in the sale of CRT Products that were indirectly purchased primarily for personal,
7 family, or household purposes in violation of Rhode Island Gen. Laws §6-13.1-1 et seq.

8 a. Defendants engaged in commerce in Rhode Island;

9 b. Defendants and their co-conspirators unscrupulously and secretly agreed
10 to raise CRT Product prices by direct agreement on prices Defendants charged their customers
11 located in Rhode Island and through artificial supply restraints on the entire CRT Products
12 market;

13 c. The secret agreements were not known to Rhode Island natural persons
14 who indirectly purchased CRT Products primarily for personal, family or household purposes;

15 d. Defendants made public statements that Defendants knew would be seen
16 by Rhode Island natural persons who indirectly purchased CRT Products primarily for personal,
17 family or household purposes; such statements created a likelihood of confusion or
18 misunderstanding with respect to the real reasons that the prices of CRT Products were rising;
19 and, such statements either omitted material information that rendered the statements materially
20 misleading and confusing, or affirmatively deceived such consumers about the real cause of
21 price increases for CRT Products;

22 e. Because of Defendants' unlawful and unscrupulous trade practices in
23 Rhode Island, natural persons in Rhode Island who indirectly purchased CRT Products primarily
24 for personal, family or household purposes were misled or deceived to believe that they were
25 paying a fair price for CRT Products or the price increases for CRT Products were for valid
26 business reasons;

27 f. Natural persons who indirectly purchased CRT Products primarily for
28 personal, family or household purposes have been injured because they have paid more for CRT

1 Products than they would have in the absence of Defendants' unlawful and unscrupulous trade
2 acts and practices;

3 g. Defendants knew that their unscrupulous and unlawful trade practices
4 with respect to pricing CRT Products would have an impact on Rhode Island natural persons
5 who indirectly purchased CRT Products primarily for personal, family or household purposes
6 and not just Defendants' direct customers;

7 h. Defendants knew that their violations with respect to pricing of CRT
8 Products would have a broad impact, causing natural persons who indirectly purchased CRT
9 Products primarily for personal, family or household purposes to be injured by paying more for
10 CRT Products than they would have paid in the absence of Defendants' unlawful trade acts and
11 practices;

12 i. Defendants' violations adversely affected public policy in Rhode Island.

13 153. Defendants have engaged in unfair competition or unfair or deceptive acts or
14 practices in violation of Vermont Stat. Ann. Title 9, §2451 et seq.

15 154. Class members in each of the Consumer Fraud States listed above paid
16 supracompetitive, artificially inflated prices for CRT Products. As a direct and proximate result
17 of Defendants' unlawful conduct, Plaintiffs and Class members have been injured in their
18 business and property in that they paid more for CRT Products than they otherwise would have
19 paid in the absence of Defendants' unlawful conduct.

20 155. Plaintiffs and Class members are therefore entitled to all appropriate relief as
21 provided for by the above Consumer Fraud States' laws, including but not limited to, actual
22 damages, injunctive relief, attorneys' fees and equitable relief such as restitution and/or
23 disgorgement of all revenues, earnings, profits, compensation and benefits which may have been
24 obtained by Defendants as a result of their unlawful conduct.

25 **Fourth Claim for Relief**

26 **(Unjust Enrichment and Disgorgement of Profits)**

27 156. Plaintiffs incorporate and reallege, as though fully set forth herein, each and
28 every allegation set forth in the preceding paragraphs of this Complaint.

1 157. Defendants have been unjustly enriched through overpayments by Plaintiffs and
2 the Class members and the resulting profits.

3 158. Under common law principles of unjust enrichment, Defendants should not be
4 permitted to retain the benefits conferred via overpayments by Plaintiffs and the members of the
5 Classes.

6 159. Plaintiffs seek disgorgement of all profits resulting from such overpayments and
7 establishment of a constructive trust from which Plaintiffs and the Class members may seek
8 restitution.

9 **FRAUDULENT CONCEALMENT**

10 160. Throughout the relevant period, Defendants affirmatively and fraudulently
11 concealed their unlawful conduct against Plaintiff and the Classes.

12 161. Plaintiffs and the members of the Classes did not discover, and could not discover
13 through the exercise of reasonable diligence, that Defendants were violating the antitrust laws as
14 alleged herein until shortly before this litigation was commenced. Nor could Plaintiffs and the
15 Class members have discovered the violations earlier than that time because Defendants
16 conducted their conspiracy in secret, concealed the nature of their unlawful conduct and acts in
17 furtherance thereof, and fraudulently concealed their activities through various other means and
18 methods designed to avoid detection. The conspiracy was by its nature self-concealing.

19 162. Defendants engaged in a successful, illegal price-fixing conspiracy with respect
20 to CRT Products, which they affirmatively concealed, in at least the following respects:

21 a. By agreeing among themselves not to discuss publicly, or otherwise
22 reveal, the nature and substance of the acts and communications in furtherance of their illegal
23 scheme; and

24 b. By giving false and pretextual reasons for their CRT Product price
25 increases during the relevant period and by describing such pricing falsely as being the result of
26 external costs rather than collusion.

1 163. As a result of Defendants' fraudulent concealment of their conspiracy, Plaintiffs
2 and the Classes assert the tolling of any applicable statute of limitations affecting the rights of
3 action of Plaintiffs and the members of the Classes.

4 **PRAYER FOR RELIEF**

5 WHEREFORE, Plaintiffs pray as follows:

6 A. That the Court determine that the claims alleged herein under the Sherman Act,
7 state antitrust laws, state consumer protection and/or unfair competition laws may be maintained
8 as a class action under Rule 23 of the Federal Rules of Civil Procedure;

9 B. That the Court adjudge and decree that the unlawful conduct, contract,
10 combination and conspiracy alleged herein constitutes:

11 a. A violation of the Sherman Act, 15 U.S.C. §1, as alleged in the First Claim
12 for Relief;

13 b. A violation of the Indirect Purchaser States' antitrust laws as alleged in the
14 Second Claim for Relief;

15 c. A violation of the Consumer Fraud States' consumer protection and unfair
16 competition laws as alleged in the Third Claim for Relief; and

17 d. Acts of unjust enrichment as set forth in the Fourth Claim for Relief herein.

18 C. That Plaintiffs and the Indirect Purchaser State Classes recover damages, as
19 provided by the Indirect Purchaser States' antitrust laws and the Consumer Fraud States'
20 consumer protection and unfair competition laws, and that a joint and several judgment in favor
21 of Plaintiffs and the Classes be entered against the Defendants in an amount to be trebled in
22 accordance with such laws;

23 D. That Defendants, their co-conspirators, successors, transferees, assigns, parents,
24 subsidiaries, affiliates, and the officers, directors, partners, agents and employees thereof, and all
25 other persons acting or claiming to act on behalf of Defendants, or in concert with them, be
26 permanently enjoined and restrained from, in any manner, directly or indirectly, continuing,
27 maintaining or renewing the combinations, conspiracy, agreement, understanding or concert of
28

1 action, or adopting or following any practice, plan, program or design having a similar purpose
2 or effect in restraining competition;

3 E. That Plaintiffs and the Classes be awarded restitution, including disgorgement of
4 profits obtained by Defendants as a result of its acts of unfair competition and acts of unjust
5 enrichment;

6 F. That the Court award Plaintiffs and the Classes they represent pre-judgment and
7 post-judgment interest as permitted by law;

8 G. That Plaintiffs and the members of the Classes recover their costs of suit,
9 including reasonable attorneys' fees as provided by law; and

10 H. That the Court award Plaintiffs and the Classes they represent such other and
11 further relief as may be necessary and appropriate.

12 **JURY DEMAND**

13 Plaintiffs demand a trial by jury of all of the claims asserted in this Complaint so triable.

14
15 Dated: March 10, 2008

By:



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25 **Hanson And All Others Similarly Situated**
26
27
28

EXHIBIT B

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10 Attorneys for Plaintiff, CARMEN GONZALEZ

11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA
13 SAN JOSE DIVISION

14 CARMEN GONZALEZ, on behalf
15 of herself and others similarly situated,

16 Plaintiffs,

17 vs.

18 CHUNGHWA PICTURE TUBES, LTD.;
19 TATUNG COMPANY OF AMERICA, INC.;
20 L.G. ELECTRONICS, INC.; MATSUSHITA
21 ELECTRIC INDUSTRIAL CO. LTD.;
22 PANASONIC CORPORATION OF NORTH
23 AMERICA; KONINKLIJKE PHILIPS
24 ELECTRONICS NV; PHILIPS ELECTRONICS
25 NORTH AMERICA CORPORATION; LG
26 PHILIPS DISPLAY USA, INC.;
27 SAMSUNG ELECTRONICS CO. LTD.;
28 SAMSUNG ELECTRONICS AMERICA, INC.;
SAMSUNG SDI CO. LTD., formerly known as
SAMSUNG DISPLAY DEVICE CO.; TOSHIBA
CORPORATION; TOSHIBA AMERICA
ELECTRONICS COMPONENTS, INC.;
TOSHIBA AMERICA INFORMATION
SYSTEMS, INC.; MT PICTURE DISPLAY
COMPANY; MT PICTURE DISPLAY
CORPORATION OF AMERICA (New York);
MT PICTURE DISPLAY CORPORATION OF
AMERICA (Ohio), LP DISPLAYS, and DOES 1
through 50, inclusive,

Defendants.

ORIGINAL
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RICHARD W. WICKING
U.S. DISTRICT COURT

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CLASS ACTION COMPLAINT; JURY TRIAL DEMANDED

1 Plaintiff, by her undersigned attorneys, individually and on behalf of the class described
2 below, brings this action for damages and injunctive relief for price fixing and market and
3 customer allocation under Section 1 of the Sherman Act of 1890, 15 U.S.C. § I, and the antitrust
4 laws of the United States, the California Cartwright Act and the California Unfair Competition
5 laws, against the manufacturers of cathode-ray tubes ("CRTs") and products containing CRTs,
6 named above, which participated in an overarching, on-going, international conspiracy and cartel
7 beginning on at least January 1, 1995 and continuing to the present. Based on personal
8 knowledge, information and belief, and the investigation of counsel, plaintiff, Carmen Gonzalez,
9 alleges as follows;

10 NATURE OF THE CASE

11 1. This case arises out of a long-running, international conspiracy among defendants
12 and their co-conspirators to fix the prices of, CRTs and products containing CRTs (jointly, "CRT
13 Products").

14 2. This lawsuit is brought as a class action on behalf of all individuals and entities
15 who purchased CRT Products indirectly from Defendants, their predecessors or their controlled
16 subsidiaries and affiliates from at least as early as January 1, 1995 to the present (the "Class
17 Period"). Plaintiff alleges that during the Class Period, Defendants conspired to fix, raise,
18 maintain, or stabilize the prices of CRT Products sold in the United States during the relevant
19 time period defined below.

20 3. Throughout the Class Period, Defendants' conspiracy was intended to, and did,
21 moderate the downward price pressures on CRT Products caused by the market entry and rapid
22 penetration of more technologically advanced competitive products. As explained in further
23 detail below, liquid crystal displays ("LCD") and plasma display panels ("PDP") were used in
24 the same primary applications as CRTs and presented significant advantages over CRT Products.
25 LCD, PDP and products containing LCD or PDP will collectively be referred to as flat panel
26 display products ("FPD Products"). Many of the Defendants, in addition to manufacturing,
27 distributing and selling CRT Products, were also manufacturers, distributors, and sellers of FPD
28 Products. Defendants who participated in both the market for CRT Products and the market for

1 FPD Products will be specifically identified below.

2 4. Because of Defendants' unlawful conduct, Plaintiff and other Class members paid
3 artificially inflated prices for CRT Products, and as a result, have suffered antitrust injury to their
4 business or property.

5 **JURISDICTION AND VENUE**

6 5. Plaintiff brings this Class Action pursuant to the California Cartwright Act,
7 codified under California Business and Professions Code, §§ 16720, et seq., and the California
8 Unfair Competition laws, codified under California Business and Professions Code, §§ 17200, et
9 seq.

10 6. This Complaint is also filed under Section 1 of the Sherman Antitrust Act, 15
11 U.S.C. § 1, and Sections 4 and 16 of the Clayton Act, 15 U.S.C. §§ 15 & 26 to enjoin
12 Defendants, and their officers, agents, employees, or representatives from engaging in the
13 unlawful contract, combination, and conspiracy in restraint of trade or commerce of CRT or
14 products containing CRT, and to recover treble damages and costs of suit, including reasonable
15 attorney's fees, for the injuries suffered by Plaintiff and the Class members in their business and
16 property.

17 7. This Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1332. The
18 matter in controversy exceeds \$5,000,000 exclusive of interest and costs when the claims of
19 individual class members are aggregated, and is between citizens of different states. Venue is
20 proper in the United States District Court for the Northern District of California pursuant to 15
21 U.S.C. § 15 and § 22 and 28 U.S.C. § 1391, as the Defendants reside, transact business or are
22 found within this District, and/or a substantial part of the events giving rise to the Class
23 Members' claims arose in this District.

24 8. This Court also has subject matter jurisdiction over the Plaintiff's Clayton Act and
25 Sherman Antitrust Act claims, 15 U.S.C. §§ 1 & 26, under 28 U.S.C. §§ 1331 & 1337. This
26 Court also has subject matter jurisdiction over Plaintiff's state law claims under 28 U.S.C. §
27 1367 because those claims arise from the same case or controversy as Plaintiff's federal claims.
28

9. This Court has in *personam* jurisdiction over each of the Defendants because, *inter alia*, each Defendant: (a) transacted business in the United States; (b) directly or indirectly sold and provided CRT Products throughout the United States; (c) had substantial aggregate contacts with the United States as a whole; and/or (d) was engaged in an illegal price-fixing conspiracy that was directed at, and had the intended effect of causing injury to, persons and entities residing in, located in, or doing business throughout the United States, including in this district. Alternatively, there is jurisdiction over foreign Defendants pursuant to Federal Rule of Civil Procedure 4(k)(2).

10. Plaintiff, Carmen Gonzalez, is an individual residing in the County of Santa Clara. Plaintiff has indirectly purchased CRT Products from one or more of the Defendants during the Class Period and was injured as a result of Defendants' illegal conduct. The price that Plaintiff paid to Defendants or their co-conspirators was greater than it would have been absent the conspiracy herein alleged. As a result of the alleged conspiracy, Plaintiff was injured by reason of the antitrust violations alleged herein. Plaintiff asserts a claim on behalf of herself and all indirect purchasers of CRT Products from one or more of the Defendants during the Class Period.

DEFENDANTS

Chunghwa

11. Defendant Chunghwa Picture Tubes, Ltd. ("Chunghwa") is a Taiwanese company with its principal place of business at 1127 Heping Road, Bade City, Taoyuan, Taiwan. It is a partially owned subsidiary of Tatung Company, a consolidated consumer electronics and information technology company based in Taiwan. Chunghwa's Board of Directors includes representatives from Tatung Company. The Chairman of Chunghwa, Weishan Lin, is also the Chairman and General Manager of Tatung Company. During the Class Period, Chunghwa manufactured, sold, and distributed CRT Products to customers throughout the United States. Chunghwa also manufactured, distributed and sold FPD Products in the United States during the Class Period.

1 12. Defendant Tatung Company of America, Inc. is a California corporation with its
2 principal place of business at 2850 El Presidio Street, Long Beach, California. Tatung Company
3 of America, Inc. is a wholly-owned and controlled subsidiary of Tatung Company. During the
4 Class Period, Tatung Company of America, Inc. manufactured, sold, and distributed CRT
5 Products to customers throughout the United States. Tatung Company of America, Inc. also
6 manufactured, distributed and sold FPD Products in the United States during the Class Period.

7 **LG**

8 13. Defendant LG Electronics, Inc. ("LGE"), is a manufacturer of CRT Products with
9 its global headquarters located at LG Twin Towers 20, Yeouido-dong, Yeongdeungpo-gu, Seoul,
10 Korea 150-721. During the Class Period, LGE manufactured, sold and distributed CRT Products
11 to customers throughout the United States. LGE also manufactured, distributed and sold FPD
12 Products in the United States during the Class Period.

13 **Matsushita**

14 14. Defendant Matsushita Electric Industrial Co., Ltd ("Matsushita") is a Japanese
15 company and has its global headquarters at 1006 Kadoma, Osaka 571-8501, Japan. Matsushita
16 is the parent company of Panasonic Corporation of North America, NC Company of America,
17 and Victor Company of Japan, Ltd. During the Class Period, Matsushita manufactured, sold and
18 distributed CRT Products to customers throughout the United States. Matsushita also
19 manufactured, distributed and sold FPD Products in the United States during the Class Period.

20 15. Defendant Panasonic Corporation of North America ("Panasonic"), is a subsidiary
21 of Defendant Matsushita and oversees its North American business operations, including sales.
22 Defendant Panasonic has its global headquarters at I Panasonic Way, Secaucus, New Jersey,
23 07094. During the Class Period, Panasonic manufactured, sold and distributed CRT products to
24 customers throughout the United States. A substantial portion of the CRTs produced by MT
25 Picture Displays Co., Matsushita's subsidiary, went to Panasonic for Panasonic's production of
26 CRT Products. Panasonic also manufactured, distributed and sold FPD Products in the United
27 States during the Class Period.

1 **Philips**

2 16. Defendant Koninklijke Philips Electronics NV ("Koninklijke") has its global
3 headquarters at Breitner Center Amstelplein 2, Amsterdam 1096 BC, Netherlands. During the
4 Class Period, Koninklijke manufactured, sold and distributed CRT Products to customers
5 throughout the United States. Koninklijke also manufactured, distributed and sold FPD Products
6 in the United States during the Class Period.

7 17. Defendant Philips Electronics North America Corporation ("Philips Electronics
8 NA"), is a manufacturer of CRT Products. Defendant Philips Electronics NA has its global
9 headquarters at 1251 Avenue of the Americas, New York, New York 10020. During the Class
10 Period, Philips Electronics NA manufactured, sold and distributed CRT Products to customers
11 throughout the United States. Philips Electronics NA also manufactured, distributed and sold
12 FPD Products in the United States during the Class Period.

13 18. Defendant LG Philips Display USA, Inc. ("LGPD"), is a manufacturer of CRT
14 Products and is a subsidiary of Philips Electronics NA. Defendant LG Philips Display USA, Inc.
15 has its global headquarters at 300W Morgan Rd, Ann Arbor, MI 48 108-9108, United States.
16 During the Class Period, LGPD manufactured, sold and distributed CRT Products to customers
17 throughout the United States.

18 **Samsung**

19 19. Defendant Samsung Electronics Co., Ltd. ("Samsung Electronics") is a Korean
20 company with its principal place of business at Samsung Main Building, 250, Taepyeongno 2-ga,
21 Jung-gu, Seoul 100-742, Korea. It is the world's largest producer of CRT Products. During the
22 Class Period, Samsung Electronics manufactured, sold, and distributed CRT Products to
23 customers throughout the United States. Samsung Electronics also manufactured, distributed and
24 sold FPD Products in the United States during the Class Period.

25 20. Defendant Samsung SDI Co., Ltd. ("Samsung SDI"), formerly known as Samsung
26 Display Device Co., has its global headquarters at Samsung Life Insurance Bldg 150, Seoul 100-
27 716, Korea. During the Class Period, Samsung SDI manufactured, sold and distributed CRT
28 Products to customers throughout the United States. Samsung SDI also manufactured,

1 distributed and sold FPD Products in the United States during the Class Period.

2 21. Defendant Samsung Electronics America, Inc. ("Samsung America") is a New
3 York corporation with its principal place of business at 105 Challenger Road, Ridgefield Park,
4 New Jersey. Samsung America is a wholly-owned and controlled subsidiary of Defendant
5 Samsung Electronics Company, Ltd. During the Class Period, Samsung America sold and
6 distributed CRT Products manufactured by Samsung Electronics Company, Ltd. to customers
7 throughout the United States. Samsung America also sold and distributed FPD Products in the
8 United States during the Class Period.

9 22. Defendants Samsung Electronics Company, Ltd., Samsung SD! Co., Ltd., and
10 Samsung America are referred to collectively herein as "Samsung."

11 **Toshiba**

12 23. Defendant Toshiba Corporation is a Japanese company with its principal place of
13 business at I-I, Shibaura I -chome, Minato-ku, Tokyo 105-8001, Japan. During the Class Period,
14 Toshiba Corporation manufactured, sold, and distributed CRT Products to customers throughout
15 the United States. Toshiba Corporation also manufactured, distributed and sold FPD Products in
16 the United States during the Class Period.

17 24. Defendant Toshiba America Electronics Components, Inc. is a California
18 corporation with its principal place of business at 19900 MacArthur Boulevard, Suite 400, Irvine,
19 California. Toshiba America Electronics Components, Inc. is a wholly-owned and controlled
20 subsidiary of Toshiba America, Inc., a holding company for Defendant Toshiba Corporation.
21 During the Class Period, Toshiba America Electronics Components, Inc. sold and distributed
22 CRT Products manufactured by Toshiba Corporation to customers throughout the United States.
23 Toshiba America Electronic Components also sold and distributed FPD Products manufactured
24 by Toshiba Corporation in the United States during the Class Period.

25 25. Defendant Toshiba America Information Systems, Inc. is a California corporation
26 with its principal place of business at 9470 Irvine Blvd., Irvine, California. Toshiba America
27 Information Systems, Inc. is a wholly-owned and controlled subsidiary of Toshiba America, Inc.,
28 a holding company for Defendant Toshiba Corporation. During the class Period, Toshiba

1 America Information Systems, Inc. sold and distributed CRT Products manufactured by Toshiba
2 Corporation to customers throughout the United States. Toshiba America Information Systems
3 also sold and distributed FPD Products manufactured by Toshiba Corporation in the United
4 States during the Class Period.

5 26. Defendants Toshiba Corporation, Toshiba America Electronics Components, Inc.,
6 and Toshiba America Information Systems, Inc. are referred to collectively herein as "Toshiba."

7 **Joint Ventures**

8 27. Defendant MT Picture Display Company is a wholly-owned and controlled
9 subsidiary of Defendant Matsushita organized under the laws of Japan with its principal place of
10 business located at Rivage Shinagawa, I -S. Konan 4-chome, Minato-ku, Tokyo 108-0075,
11 Japan. Prior to April 2007, MT Picture Display Company was a joint venture between
12 Matsushita Electric Industrial Co., Ltd. and Toshiba Corporation named Matsushita Toshiba
13 Picture Display Co. Ltd. This joint venture was created in 2003 and integrated the CRTs
14 operations of its parents. During the Class Period, both MT Picture Display and its predecessor
15 Matsushita Toshiba Picture Display Co. Ltd. sold and distributed CRT Products to customers
16 throughout the United States.

17 28. Defendants MT Picture Display Corporation of America (New York) and MT
18 Picture Display Corporation of America (Ohio) were subsidiaries of MT Picture Display
19 Company. Both subsidiaries were incorporated in Maryland, with their principal place of
20 business located at 300 East Lombard Street, Baltimore, MD 21202. During the Class Period,
21 MT Picture Display Corporation of America (New York) and MT Picture Display Corporation of
22 America (Ohio) sold and distributed CRT Products to customers throughout the United States.

23 29. Defendant LP Displays (formerly known as LG Philips Display), a joint venture
24 between LG Electronics and Koninklijke Philips Electronics, is organized under the laws of
25 Hong Kong with its principal place of business located at Corporate Communications, 6th Floor,
26 ING Tower, 308 Des Voeux Road Central, Sheung Wan, Hong Kong. During the Class Period,
27 LP Displays sold and distributed CRT Products to customers throughout the United States.

30. Each defendant committed the acts alleged in this complaint through its officers, directors, agents, employees, or representatives while they were actively engaged in the management, direction, control, or transaction of the Defendant's business or affairs.

31. Defendants' unlawful and intentional concerted actions have severely damaged and will continue to damage Plaintiff and the members of the Class it seeks to represent.

CO-CONSPIRATORS

32. As additional information may come to light, Plaintiff reserves the right to add other Defendants as they become known to her.

33. Various other individuals, partnerships, corporations, organizations, firms, and associations not yet made Defendants in this Complaint (the "Co-Conspirators") and presently unknown to Plaintiff, participated as co-conspirators in the violation alleged herein, and performed acts and made statements in furtherance of the conspiracy.

34. The true names and capacities, whether individual, corporate, associate, representative, or otherwise of Defendants named herein as DOES 1 through 50 are unknown to Plaintiff at this time, and are therefore sued by such fictitious names. Plaintiff will amend this complaint to allege the true names and capacities of DOES 1 through 50 when they become known to Plaintiff. Each of DOES 1 through 50 is in some manner legally responsible for the violations of law alleged herein.

35. The acts charged in this Complaint as having been done by Defendants and the DOE Defendants were authorized, ordered, or done by their officers, agents, employees, or representatives, while actively engaged in the management of the Defendants' businesses or affairs.

FACTUAL ALLEGATIONS

CRT Technology

36. CRT technology has been in use for more than 100 years. The basic cathode-raytube consists of three elements: the envelope, the electron gun, and the phosphor screen.

37. CRTs are manufactured in several standard sizes, including 17 inch, 19 inch, 27 inch and 32 inch. CRTs manufactured by Defendants are interchangeable with one another.

Trends within the CRT Products Market and Increased Competition from FPD Products

38. The worldwide market for CRT Products is and has been large. In 1997, the worldwide CRTs market exceeded \$24 billion in sales.

39. At the beginning of the Class Period, CRTs were the dominant display technology worldwide. For example, in 1997, 99.3% of all computer monitors sold worldwide contained CRTs. In 2005, approximately 47 million CRT monitors were sold worldwide, and approximately 20.3% of these were sold in the United States.

40. Although the value of all display materials shipped worldwide is projected to rise at an average annual growth rate of 12.8% by 2010, worldwide demand for CRT Products is declining overall because of the growing popularity of FPD Products which are being used in place of CRT Products.

(<http://www.bccresearch.com/RepTemplate.cfm?reportID=442&RepDet=HLT&cat=smc&target=repdet...11/13/2007>) CRT Products' share of the market declined precipitously in the United States where FPD Products achieved more rapid market penetration.

41. FPD Products may be used to produce the same image as CRT Products but also have many important advantages over CRT Products. For example, FPD Products are less bulky, require less energy, are easier to read, and do not flicker.

42. In 1995, recognizing the increasing significance of FPD technologies, Korean manufacturers Samsung and LG Electronics entered the FPD Product market, leading to a surge in FPD Product manufacturing capacity.

43. The market share of CRT Products declined as other newer technologies emerged and were brought to market. By 1998, FPD Products had already achieved 32% of the U.S. market for CRT Products. Penetration by FPD Products is projected to reach 96% by 2009. FPD Products' global penetration has not been as dramatic as it was in the United States due to the continued popularity of lower-priced CRT Products in China, India and South America.

44. CRT TVs currently account for only a minority share of television set revenues in North America (37.3%), Japan (9.5%) and Europe (31.0%).

1 45. During the Class Period, while demand for CRT Products continued to fall in the
2 United States, Defendants' conspiracy was effective in moderating the normal downward
3 pressures on prices for CRT Products caused by the entry of the new generation of competing
4 technologies. Indeed, during the Class Period, there were not only periods of unnatural and
5 sustained price stability, but there were also inexplicable increases in the prices of CRTs, despite
6 declining demand due to approaching obsolescence of CRTs caused by the emergence of a new,
7 superior, substitutable technology

8 46. These periods of price stability and price increases for CRTs are fundamentally
9 inconsistent with a competitive market for a product where demand is rapidly decreasing because
10 of the introduction of new superior technologies.

11 **Structure of the CRT Product Industry**

12 47. The CRT Product industry is characterized by a number of structural features that
13 facilitate collusion, including market concentration, the consolidation of manufacturers, multiple
14 interrelated business relationships, significant barriers to entry, and interchangeability of
15 products.

16 48. Defendant Samsung SDI has the largest market share of any CRT Products
17 manufacturer at this point in time. In 2000, Defendant Samsung SDI had 18% of the global
18 CRTs market. In 2002, Samsung SDI had 21.8% of the global market for CRT monitors. In
19 2004, Samsung SDI had a 30% share of the global CRTs market.

20 49. Defendant LP Displays (formerly LG Philips Displays) has the second largest
21 share of the CRT market. In 2004, LG Philips Displays held 27% of the global market for CRT.

22 50. Defendant MT Picture Display (formerly Matsushita Toshiba Display Co.) is also
23 a major player in the CRTs market. In 2004, Matsushita Toshiba Picture Display Co. held 9% of
24 the global market for CRTs.

25 51. Defendant Chunghwa Picture Tubes held 21.7% of the global CRT market in
26 1999.

27 52. In 2004, Defendants Samsung SDI, LP Displays, MT Picture Display, and
28 Chunghwa Picture Tubes maintained a collective 78% of the global CRT market. The market for

1 CRT Products is subject to high manufacturing and technological barriers to entry. Efficient
2 fabrication plants are large and costly and require years of research, development and
3 construction. Technological advances have caused Defendants to undertake significant research
4 and development expenses.

5 53. The CRT Products market has also been subject to substantial consolidation and
6 multiple interrelated business relationships during the Class Period. Matsushita Electric
7 Industrial Co. Ltd. and Toshiba Corporation combined their efforts by forming Defendant MT
8 Picture Display Company. At the time of the formation of MT Picture Display, Matsushita and
9 Toshiba had been the fourth and sixth largest CRT manufacturers in the world. This joint venture
10 combined the entire CRT operations of both parent companies. MT Picture Display Company
11 specialized in the manufacture of CRTs above 30 inches, supplying some 950,000 units annually
12 to the North American market.

13 54. In November 2000, Defendants LGE and Koninklijke Philips Electronics agreed
14 to enter a 50/50 joint venture that merged their CRT operations. The resulting joint venture,
15 originally named LG Philips Displays, and renamed LP Displays in 2007, entered the market
16 with a 25% share, making it the second largest CRT manufacturer only behind Samsung SDI at
17 the time.

18 55. In 2005, Samsung SDI and LG Philips Displays entered into an agreement to share
19 parts with respect to CRTs in an effort to boost their combined market share.

20 56. Defendants sell their CRT Products through various channels, including to
21 manufacturers of electronic products and devices, and to resellers of CRT Products, and
22 incorporate CRTs into their own manufactured products, which are then sold directly to
23 consumers.

24 **International Antitrust Investigations**

25 57. Competition authorities in the United States, Europe, Japan and South Korea
26 recently engaged in coordinated actions, including raids, targeting the unlawful CRT Products
27 cartel alleged in this Complaint. On November 9, 2007, the Reuters news agency reported:
28

1 Antitrust authorities in Europe and Asia raided a Matsushita Electric Industrial
2 Co. Ltd. unit and other cathode ray tube makers on suspicion of price fixing,
weighing on the shares of the Panasonic maker.

3 Matsushita confirmed Japan's Fair Trade Commission (FTC) had begun a probe
4 of its cathode ray tube unit. MT Picture Display Co. Ltd., while Samsung SDI Co.
Ltd. said South Korea's FTC had started an investigation into its CRT business.

5 (www.reuters.com/article/fmergersNews1idU5L0890850720071109).

6 58. On November 9, 2007, the European Commission confirmed in Brussels that "on
7 November 8 Commission officials carried out unannounced inspections at the premises of
8 manufacturers of cathode ray tubes." The European Commission's announcement continued
9 stating: "The Commission has reason to believe that the companies concerned may have violated
10 EC Treaty rules on cartels and restrictive business practices."

11 59. On November 12, 2007, Chunghwa Picture Tubes, Ltd. confirmed that it had
12 received a subpoena from a California district court relating to CRTs. A federal grand jury
13 operating under the auspices of the United States Department of Justice, Antitrust Division
14 ("DOJ") through its San Francisco office issued the subpoena.

15 60. On November 21, 2007, Koninklijke Philips Electronics, NV reported that it and
16 its joint venture with LG Electronics, LP Displays, are also targets of the coordinated
17 investigation into collusive practices and other antitrust violations in the CRTs market.

18 61. The Defendants include known recidivist antitrust violators. Samsung, for
19 example, was fined \$300 million by the DOJ in October 2005 for participating in a conspiracy to
20 fix prices for Dynamic Random Access Memory. It is also under investigation by the DOJ (along
21 with some of the other Defendants, including Toshiba) for fixing prices of Static Random
22 Access Memory. Samsung and Toshiba are also being investigated for collusion among
23 manufacturers of NAND flash memory.

24 62. Several Defendants, including Samsung and a joint venture between LG
25 Electronics and Koninklijke Philips Electronics, are targets of a coordinated investigation by the
26 DOJ and antitrust authorities in Europe, Japan and South Korea in connection with
27 anticompetitive conduct in the market for LCD Products. Because LCD Products and CRT
28

1 Products are used in the same primary applications, collusion with respect to CRT Product prices
2 would bolster these same Defendants' LCD pricing cartel. Keeping CRT prices artificially
3 inflated would both increase profits on remaining CRT sales while protecting LCD prices.

4 CLASS ACTION ALLEGATIONS

5 63. Plaintiff brings this action on behalf of itself and all others similarly situated (the
6 "Class") pursuant to Federal Rules of Civil Procedure 23(a) and 23(b)(3). The Class is defined as
7 follows:

8 All persons and entities residing in the United States who, from January 1,
9 1995 through the present, purchased CRT Products in the United States
10 indirectly from the Defendants. Specifically excluded from this Class are
11 the Defendants; the officers, directors or employees of any Defendant; any
12 entity in which any Defendant has a controlling interest; and any affiliate,
13 legal representative, heir or assign of any Defendant. Also excluded are all
14 governmental entities, and any judicial officer presiding over this action.

15 64. Plaintiff does not know the exact size of the Class, since such information is in the
16 exclusive control of the Defendants. Due to the nature of the trade and commerce involved,
17 however, Plaintiff believes that the Class includes thousands of CRT Products purchasers and is
18 so numerous and geographically dispersed throughout the United States as to render joinder of all
19 Class members impracticable.

20 65. There are questions of law and fact common to the Class. These common
21 questions relate to the existence of the conspiracy alleged, and to the type and common pattern of
22 injury sustained as a result thereof. The questions include but are not limited to:

23 a. Whether Defendants and their co-conspirators engaged in a combination
24 and conspiracy among themselves to fix, raise, maintain or stabilize prices of CRT Products sold
25 in the United States;

26 b. The identity of the participants in the conspiracy;

27 c. The duration of the conspiracy alleged in this Complaint and the nature and
28 character of the acts performed by Defendants and their co-conspirators in furtherance of the
conspiracy;

d. Whether Defendants undertook actions to conceal the unlawful conspiracy,
contract or combination described herein;

1 e. Whether the conduct of Defendants and their co-conspirators, as alleged in
2 this Complaint, caused injury to the business and property of Plaintiff and other members of the
3 Class;

4 f. The effect of Defendants' conspiracy on the prices of CRT Products sold in
5 the United States during the Class Period; and

6 g. The appropriate measure of damages sustained by Plaintiff and other
7 members of the Class.

8 66. Plaintiff is a member of the Class. Plaintiff's claims are typical of the claims of
9 other Class members, and Plaintiff will fairly and adequately protect the interests of the members
10 of the Class. Plaintiff is an indirect purchaser of CRT Products from one or more of the
11 Defendants. Plaintiff's interests are aligned with, and not antagonistic to, those of the other
12 members of the Class. In addition, Plaintiff is represented by competent counsel experienced in
13 the prosecution of antitrust and class action litigation.

14 67. The prosecution of separate actions by individual members of the Class would
15 create a risk of inconsistent or varying adjudications, establishing incompatible standards of
16 conduct for Defendants.

17 68. Defendants have acted, and refused to act, on grounds generally applicable to the
18 Class, thereby making appropriate final injunctive relief with respect to the Class as a whole.

19 69. The questions of law and fact common to the members of the Class predominate
20 over any questions affecting only individual members, including legal and factual issues relating
21 to liability and damages.

22 70. A class action is superior to other available methods for the fair and efficient
23 adjudication of this controversy. The Class is readily definable and is one for which records exist
24 in the files of Defendants and their co-conspirators. Prosecution as a class action will eliminate
25 the possibility of repetitious litigation. Treatment as a class action will permit a large number of
26 similarly situated persons to adjudicate their common claims in a single forum simultaneously,
27 efficiently and without duplication of effort and expense that numerous individual actions would
28 engender. Class treatment will also permit the adjudication of relatively small claims by many

1 class members who otherwise could not afford to litigate an antitrust claim such as is asserted in
2 this Complaint. This class action presents no difficulties of management that would preclude its
3 maintenance as a class action.

4 **TRADE AND COMMERCE**

5 71. During the relevant time period, Defendants collectively controlled a significant
6 share of the market for CRT Products, both globally and in the United States.

7 72. Each of the Defendants and their co-conspirators used instrumentalities of
8 interstate and/or foreign commerce to sell and market CRT Products.

9 73. The business activities of the Defendants substantially affected interstate trade and
10 commerce.

11 **FRAUDULENT CONCEALMENT**

12 74. Throughout and beyond the conspiracy, Defendants and their co-conspirators
13 affirmatively and actively concealed their unlawful conduct from Plaintiff. Defendants and their
14 co-conspirators conducted their conspiracy in secret and kept it mostly within the confines of
15 their higher-level executives. Defendants and their co-conspirators publicly provided pre-textual
16 and false justifications regarding their price increases. Defendants and their co-conspirators
17 conducted their conspiracy in secret, concealed the true nature of their unlawful conduct and acts
18 in furtherance thereof, and actively concealed their activities through various other means and
19 methods to avoid detection. Plaintiff did not discover, and could not have discovered through the
20 exercise of reasonable diligence, that Defendants and their co-conspirators were violating the
21 antitrust laws as alleged herein until November 9, 2007, when it was first publicly reported that
22 manufacturers of CRT Products were being investigated by antitrust authorities in Europe, Japan
23 and South Korea for conspiring to fix the prices of CRT Products before this class action
24 litigation was commenced.

25 75. As a result of the active concealment of the conspiracy by Defendants and their
26 co-conspirators entered into a continuing contract, combination or conspiracy to unreasonably
27 restrain trade and commerce in violation of Section I of the Sherman Act, 15 U.S.C. § 1,
28 defendants were artificially reducing or eliminating competition in the United States.

1 76. In particular, Defendants have combined and conspired to raise, fix, maintain or
2 stabilize the prices of CRT Products sold in the United States.

3 77. As a result of Defendants' unlawful conduct, CRT Products prices were raised,
4 fixed, maintained and stabilized in the United States.

5 78. The contract, combination or conspiracy among Defendants consisted of a
6 continuing agreement, understanding and concerted action among Defendants and their co-
7 conspirators.

8 79. For purposes of formulating and effectuating their contract, combination or
9 conspiracy, defendants and their co-conspirators did those things they contracted, combined or
10 conspired to do, including:

11 a. Participating in meetings and conversations to discuss the prices of CRT
12 Products;

13 b. Agreeing to manipulate prices and supply of CRT Products in a manner
14 that deprived direct purchasers of free and open competition;

15 c. Issuing price announcements and price quotations in accordance with the
16 agreements reached;

17 d. Selling CRT Products to customers in the United States at non-competitive
18 prices.

19 80. As a result of Defendants' unlawful conduct, Plaintiff and the other members of
20 the Class have been injured in their business and property in that they have paid more for CRT
21 Products than they otherwise would have paid in the absence of Defendants' unlawful conduct.

22 **FIRST CAUSE OF ACTION**
23 **(Violation of Section 1 of the Sherman Antitrust Act, 15 U.S.C. § 1)**

24 81. Plaintiff, on behalf of herself and all others similarly situated, realleges and
25 incorporates, as if fully alleged herein, each of the allegations contained in the preceding
26 paragraphs of this Complaint, and further alleges against Defendants as follows.

27 82. Beginning at least as early as January 1, 1995 and continuing through the present,
28 the exact dates being unknown to Plaintiff, Defendants and various co-conspirators entered into

1 and engaged in a continuing agreement, contract, combination, and conspiracy to fix, raise,
2 maintain, or stabilize the price for CRT Products in unreasonable restraint of trade and
3 commerce in violation of Section 1 of the Sherman Act, 15 U.S.C. § 1.

4 83. Defendants, through their officers, directors and employees, entered into the
5 contract, combination, trust and conspiracy among themselves and their co-conspirators by,
6 among other things:

7 a. Participating in communications, including discussions of the prices of
8 CRT Products in the United States;

9 b. Agreeing, during those communications, to charge prices at specified levels
10 and otherwise to increase, stabilize and maintain prices of CRT Products sold in the
11 United States; and

12 c. Selling CRT Products to various customers in the United States at
13 artificially inflated prices.

14 84. For the purpose of forming and implementing the alleged combinations,
15 agreements, understandings and concert of action, Defendants and their co-conspirators did those
16 things they conspired to do, including but not limited to the acts alleged above, including actions
17 to fix, raise, maintain and stabilize the price of CRT Products.

18 85. Defendants have participated in one or more overt acts in furtherance of the
19 conspiracy alleged above, and have participated in the conspiratorial activities described above.

20 86. The combination and conspiracy alleged herein has had the following effects,
21 among others:

22 a. Price competition in the sale of CRT Products has been restrained,
23 suppressed and/or eliminated throughout the United States;

24 b. Prices for CRT Products sold by Defendants and their co-conspirators have
25 been fixed, raised, maintained and stabilized at artificially high, noncompetitive levels
26 throughout the United States; and

27 c. Plaintiff and members of the Class have been deprived of the benefits of
28 free and open competition.

88. Plaintiff, on behalf of herself and all others similarly situated, realleges and incorporates, as if fully alleged herein, each of the allegations contained in the preceding paragraphs of this Complaint, and further alleges against Defendants as follows.

90. Each of the Defendants named herein, directly or indirectly and through affiliates, dominated, controlled, manufactured, sold and/or distributed CRT throughout the United States, including California.

92. For the purpose of forming and effectuating the unlawful trust, Defendants and their Co-Conspirators have done those things which they combined and conspired to do, including but in no way limited to the acts, practices and course of conduct set forth above and the following:

- a. to fix, raise, maintain and stabilize the price of CRT;
- b. to allocate markets for CRT amongst themselves; and
- c. to allocate amongst themselves the production of CRT.

93. The combination and conspiracy alleged herein has had, inter alia, the following effects:

- a. price competition in the sale of CRT has been restrained, suppressed, and/or eliminated in the State of California and throughout the United States;
- b. prices for CRT sold by Defendants and their Co-Conspirators have been fixed, raised, maintained and stabilized at artificially high, non-competitive levels in the State of California and throughout the United States;
- c. those who indirectly purchased CRT have been deprived of the benefit of free and open competition.

94. Plaintiff and the Class members paid supra-competitive and artificially inflated prices for CRT and products containing CRT.

95. As a direct and proximate result of Defendants' unlawful and anticompetitive practices, Plaintiff and the Class members have been injured in their business and property in that they paid more for CRT than they otherwise would have paid in the absence of Defendants' unlawful conduct. As a result of Defendants' and their co-conspirators' violation of Section 16720 of the California Business and Professions Code, Plaintiff seeks injunctive relief, treble damages and costs of suit, including reasonable attorneys' fees, pursuant to Section 16750(a) of the California Business and Professions Code.

THIRD CAUSE OF ACTION **(Unfair Competition)**

96. Plaintiff, on behalf of herself and all others similarly situated, realleges and incorporates, as if fully alleged herein, each of the allegations contained in the preceding paragraphs of this Complaint, and further alleges against Defendants as follows.

97. Beginning at least as early as January 1, 1995 and continuing until at least the present, the exact date being unknown to Plaintiff, Defendants and their Co-Conspirators committed and continue to commit acts of unfair competition, as defined by the California Business and Professions Code §§ 17200, et seq. by engaging in the acts and practices specified above.

1 98. Defendants' conduct alleged herein is unfair within the meaning of Business and
2 Professions Code §§ 17200, et seq., as it offends an established public policy against restraint of
3 trade and preventing competition and because it is immoral, unethical, oppressive, unscrupulous
4 or substantially injurious to consumers. Defendants' conduct is unlawful within the meaning of
5 those sections, as it violates the provisions of the California Cartwright Act, (Cal. Bus. & Prof.
6 Code §§ 16720, et seq.), the Sherman Antitrust Act (15 U.S.C. §§ 1, et seq.) and the Clayton Act,
7 codified under Title 15 of the United States Code. Finally, Defendants' conduct is fraudulent
8 within the meaning of Business and Professions Code §§ 17200, et seq., as it is likely to mislead
9 the general public.

10 99. The illegal conduct alleged herein is continuing and there is no indication that
11 Defendants will not continue such activity in the future.

12 100. As a direct and proximate result of Defendants' unlawful, unfair and fraudulent
13 acts and practices, including combinations and contracts to restrain trade and monopolize the
14 relevant markets, Defendants, and each of them, as described above, have caused and continue to
15 cause Plaintiff and the Class members to pay supra-competitive and artificially inflated prices for
16 CRT, and the Plaintiff and consumers throughout California, have suffered an ascertainable loss
17 of money and/or property and have been deprived of the benefits of free and fair competition on
18 the merits.

19 101. As a direct and proximate result of Defendants' unfair, unlawful, and/or
20 fraudulent acts and practices, including combinations and contracts to restrain trade and
21 monopolize the relevant markets, Defendants received and continue to hold moneys that were
22 wrongfully taken from and which belong to Plaintiff and the Class.

23 102. Pursuant to California Business and Professions Code, §§ 17200, et seq., Plaintiff
24 demands restitution and disgorgement of all profits from the Defendants of all monies illegally
25 acquired by them as a result of the unfair, unlawful and fraudulent conduct alleged herein, and
26 appropriate injunctive relief.
27
28

FOURTH CAUSE OF ACTION
(Unjust Enrichment and Disgorgement of Profits)

103. Plaintiff, on behalf of herself and all others similarly situated, realleges and incorporates, as if fully alleged herein, each of the allegations contained in the preceding paragraphs of this Complaint, and further alleges against Defendants as follows.

104. Defendants benefited from their unlawful acts through the overpayment for CRT and products containing CRT by Plaintiff and Class members. It would be inequitable and unconscionable for Defendants to be permitted to retain the benefits of these overpayments, which were conferred by Plaintiff and Class members and retained by Defendants.

105. Plaintiff and the Class members are entitled to have returned to each of them the amount of such overpayments as damages or restitution.

FIFTH CAUSE OF ACTION
(Injunctive Relief)

106. Plaintiff, on behalf of herself and all others similarly situated, realleges and incorporates, as if fully alleged herein, each of the allegations contained in the preceding paragraphs of this Complaint, and further alleges against Defendants as follows.

107. Beginning by at least January 1, 1995 and continuing until the present, Defendants entered into a continuing agreement, understanding, and conspiracy in restraint of trade to artificially raise, fix, maintain, and/or stabilize prices for CRT in California and the United States.

108. Defendants' conduct in restraint of trade had the intent, and effect, of maintaining artificially high, and anticompetitive prices of CRT and/or products containing CRT.

109. Defendants and Co-Conspirators did those things they colluded and conspired to do, including, but not limited to, the allegations set forth herein.

110. Defendants' illegal combination and conspiracy as alleged herein had the effect of (i) restraining, suppressing and/or eliminating competition; (ii) artificially fixing, raising, maintaining, and/or stabilizing prices at high, supra-competitive levels; and (iii) depriving consumers of free and fair competition on the merits.

111. It is in the best interest of the public to enjoin, pursuant to Section 16 of the Clayton Act, 15 U.S.C. § 26, Defendants and their officers, agents, employees, or representatives from engaging in the unlawful contract, combination, and conspiracy in restraint of trade or commerce of CRT.

112. Plaintiff and the Class have and will continue to be injured by Defendants' ongoing conduct in violation of the antitrust laws of the United States and in violation of the antitrust, deceptive and unfair trade practices, and consumer protection statutes of California, in the absence of injunctive relief.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays:

1. That the Court certify this action to proceed as a class action pursuant to Rule 23 of the Federal Rules of Civil Procedure and direct that reasonable notice be given to members of the Class;

2. That the Court adjudge and decree that Defendants and each of them have engaged in an unlawful contract, combination, and conspiracy in restraint of trade or commerce in violation of the California Cartwright Act, the Sherman Antitrust Act, and the Clayton Act; and that the Court award Plaintiff and members of the Class: (i) treble damages in an amount to be proved at trial as a result of the wrongful conduct alleged, plus interest, costs, and reasonable attorney's fees pursuant to California Business and Professions Code § 16750, and Section 4 of the Clayton Act, 15 U.S.C. § 15; and (iii) all other damages available under the laws of California;

3. That the Court adjudge and decree that the Defendants and each of them have been unjustly enriched and that the Court return to Plaintiff and the Class the amount of such overpayments as damages or restitution;

4. That the Court adjudge and decree that the Defendants and each of them have engaged in unfair, unlawful and/or fraudulent business acts and/or practices in violation of California Business and Professions Code §§ 17200, et seq., and order restitution and disgorgement of all moneys wrongfully obtained;

1 5. That Plaintiff and the Class recover damages, as provided by federal and
2 California antitrust laws, and that a joint and several judgment in favor of Plaintiff and the Class
3 be entered against the Defendants in an amount to be trebled in accordance with such laws;

4 6. That the Court award Plaintiff a permanent injunction under Section 16 of the
5 Clayton Act, 15 U.S.C. § 26, and under California Business and Professions Code §§ 16750 and
6 17203, enjoining Defendants, and their officers, agents, employees, or representatives from
7 engaging in this unlawful contract, combination, and conspiracy in restraint of trade or
8 commerce; and

9 7. That Plaintiff and members of the Class be awarded pre- and post-judgment
10 interest, and that interest be awarded at the highest legal rate from and after the date of service
11 of the initial complaint in this action;

12 8. That Plaintiff and members of the Class recover their costs of this suit, including
13 reasonable attorneys' fees as provided by law; and


14 9. That Plaintiff and members of the Class have such other, further, and different
15 relief as the case may require and the Court may deem just and proper under the circumstances.

16 **JURY TRIAL DEMAND**

17 Plaintiff hereby demands a jury trial on all claims for which she is entitled to a jury trial,
18 as provided by Rule 38(a) of the Federal Rules of Civil Procedure.

19
20 Dated: February 22, 2008

McMANIS FAULKNER & MORGAN

21
22 
23 JAMES McMANIS
24 MARWA ELZANKALY

25 Attorneys for Plaintiff,
26 Carmen Gonzalez
27
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